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### SUMMARY OF NEWS.

—641—

#### Politics of Europe.

The BOMBAY GAZETTE, brought by the dawk of yesterday, contains Extracts of Letters of a late date from Bagdad, confirming the intelligence formerly received of a difference between England and the Ottoman Porte. These extracts will be found among our Asiatic Selections.

The Debate in the House of Commons on the Alien Bill—or on the Right of Transportation without Trial, given in our subsequent pages, will be read with peculiar interest at the present moment; having so close an analogy to transactions with which the Indian Public are so deeply concerned. It may be useful to draw a short comparison between the Power of Transportation claimed here and the Alien Bill passed in England. The question there is, whether the British Government shall have the right of removing Foreigners;—here whether the Government should have the power of banishing British subjects. There the strongest advocates for the Bill submit that Foreigners could justly be sent away only if the State was likely to be injured by their presence;—here a British subject is to be banished for speaking without sufficient reverence as is supposed, of a Clerk of a Stationary Committee. There Mr. Denman laments the absence of two distinguished opponents of the measure, Mr. Wynn and Mr. Canning, adding, in speaking of the latter, that "to hear him on any subject was the greatest intellectual delight," and from their absence augured the fate of the Bill; here we also may be permitted to lament that such a distinguished Advocate for the rights of the Stranger and Sojourner, has not yet arrived amongst us, feeling confident that he will not turn his back upon his countrymen, and treat them worse than Strangers and Aliens. But in England, according to Mr. Denman, in a professed enumeration of the disadvantages of Aliens, that of being expellable at caprice was not to be found; and even Mr. Wetherell denied that a right specifically granted for the purposes of trade could be extended generally to persons having nothing to do with trade. We can add the opinion of a third, in doing which we have given the verdict of three of the greatest Lawyers in England. "Mr. Scarlett contended against the general principle of the Bill; as giving a great and an almost irresponsible power to the Minister, such as no Minister (and we will add no Governor) however well disposed not to abuse it, ought to possess."

Canada Bill.—We were yesterday unable to enter on the consideration of the Canada Bill, which, in any view of the question with respect to the right of the British Parliament to legislate for the people in British Colonies, must be confessed, considering the situation and circumstances of Canada, to be at least a ticklish measure. We are aware of the great defects in the existing Canadian Constitution, which is indeed in many respects very little suited to the circumstances of the Colony. The best demonstration of this, is to be found in the comparison of the neighbouring state of Genessee, settled much later than Upper Canada, but far superior to it in every kind of improvement. Indeed many of the provisions of the Canada Act must ever be a formidable bar to all improvement, interposing as they do great tracts of wild lands in the shape of reserves, between the industrious settlers, thereby depriving them of communication with each other, and paralysing their exertions. The power of Government to make grants in like manner a source of great

detriment to the Colony. We think the existing Constitution by no means a good one; that under it there must be an almost constant collision between the two branches of each Colonial Legislature; but the present Bill does not go to remove the more glaring defects of that constitution, and if it did, the question still occurs, how far even a bad Constitution may be improved without the previous consent of the people under it. While, however, the great grievances of the Canadians remain unattended to; and in Mr. Gourlay's Statistical Account of Upper Canada, much valuable information with respect to them may be obtained, all other matters may be considered of secondary importance. We are free to admit that the evils against which the present Bill legislates, demand a remedy, and that the provisions of it are good as far as they go. We have been furnished by an esteemed Correspondent with the following article on the subject, which, with these preliminary observations, we lay before our readers:

"Although we entirely concur in the objections urged by Sir J. Mackintosh and his friends, of the apparent want of consideration which was displayed in the hasty introduction of a measure of so much importance—of the want of all documentary and other evidence on the Table of the House to warrant such a proceeding, especially at such a period of the Session, and in such a thin attendance—and more particularly on the general principle of previously consulting, where it is practicable, the feelings, the opinions, and even the prejudices of the people, whose constitution, as secured to them by law, it proposed to alter, either on a case of supposed expediency, or clear necessity—Still there are circumstances in the particular situation of these Colonies, which may be considered by some persons as exempting them from the strict application of this principle in the case before us; and we willingly admit with most, if not all the Gentlemen, whose opposition to the measure was confined to a postponement of the consideration of it till another Session, upon an examination of the principles and details of the Bill, that it forms a liberal exception on the part of Government, to the general system, which unfortunately, as we think, they have applied for some years to the civil Government of our new Colonies. At the passing of the Quebec Bill in 1791, Mr. Fox predicted all the difficulties which must in the end result from a division of provinces so much connected, and almost united by nature as those of Upper and Lower Canada. His objections were strengthened by Petitions from all parties in this country interested in the question. Mr. Pitt, on the other hand, contended, that an union at that time would subject the small minority of British settlers in Upper Canada, not exceeding 10,000 in number, unjustly to the operation of the French laws then in force throughout the whole country, and to a Legislation founded on the principles involved in them—and decided upon dividing the provinces, giving to each their separate Legislature. Admitting, however, the measure must be considered as one of experiment and that it should be productive of the apprehended inconveniences arising from contention between the provinces with respect to revenue, or an oppressive exercise of the power over the navigation of the St. Lawrence, which the situation of the Lower Provinces naturally gave to her, in imposing duties or restrictions on trade affecting the interest of the Upper Colony, the British Parliament must be called upon at some future period to reconsider and revise the enactments in the Bill. The result has proved the superior wisdom and foresight of Mr. Fox. The British pe-

pulation in both provinces, but more particularly in the Upper, as well as the settlement and improvement of the country, has rapidly increased since the passing of the former Bill; and the population of Upper Canada, which did not exceed 10,000 in 1791, now nearly approaches to 200,000. As the Upper Province has augmented in population and importance, her claims on the general revenue collected at Quebec have also advanced, and have been admitted gradually to the extent, first, of one-eighth, and latterly, till the year 1817, to one-fifth, by the Assembly of Lower Canada. Since that period, although Commissioners have been appointed on both sides, it has been found impossible to come to any agreement on this subject, and the whole revenue of Upper Canada, there being scarcely any internal taxation, has been in a state of abeyance for four years, in consequence of these objections. We have now before us the proceedings of these Commissioners, from which it appears the principle sought to be established on the part of Upper Canada, for a division of the duties collected at Quebec, is that a permanent revenue may be raised, not subject to the caprice of the lower assembly, as to the repeal or alteration of the amount, adequate to the wants of both provinces, and to be divided between them, either according to the numbers of their population, or according to some other fair principle of ascertaining their respective proportions. The Lower Assembly contend, that the Upper Province have only a right to draw back on the duties imposed by them on merchandise consumed by the inhabitants of Upper Canada; and that they are willing to pay them such drawback, as ascertained by officers, established at the frontiers, but no proportion of the duties levied on the general trade of the St. Lawrence which may be derived from dutiable commodities transmitted through that route to the United States. In this manner the dispute appears at present to remain, the Commissioners of the Lower Province, in their last communications to those of the Upper, stating, that the grievances complained of by the Upper Province, in this respect, "are the unavoidable consequences of a dependence for revenue on the Legislature of another colony to which the Legislature of Upper Canada has long consented; and that the Commissioners of Lower Canada do not think it consistent with the respect they owe to their constituent and the dignity of a Legislative Body, to enter into any further explanation on this head;" and further, "that the misunderstandings and delays which have already occurred, leave just cause of apprehension that the same may again occur, which must in the end lead to more serious consequences—destructive of the interests of the two provinces so intimately connected by the ties of allegiance to the same sovereign, and their local position." The Commissioners of the Upper Province lastly allege that the mode insisted upon by Lower Canada, as the only one which they are willing to admit for ascertaining the revenue due to the former, is impracticable, from the extent of the boundary line and the various ways of entering the province by water and land, and that the expense of Custom Houses, and the necessary offices at the different stations, would exceed the amount of revenue so collected. To meet this evil, the interference of Parliament in some manner was necessary; part of the provisions of the present Bill are for the purpose of establishing an equitable mode of arbitrating the claims of both colonies to the joint revenue, but then that interference would be insufficient, if the Legislature of Lower Canada should not choose to raise the revenue to a dividend; and it would have been evidently necessary to have gone a step further, and to have passed annually, or as often as the case, necessarily varying according to the wants of the colonies, might require, Act of Parliament, depriving the Legislature of Lower Canada of the functions they have hitherto exercised of raising their own revenue. In such state of things, it was not unnatural to consider the whole circumstances of the Colonies, the alterations which had taken place in their population, the consequences which had generally resulted from the operation of the Quebec Act, and more especially whether it might not be practicable, without the least infringement of the rights of any part of the people, to reunite the two Provinces under one Government, to prevent the recurrence of such disputes, and to consolidate interests, which

it is impossible to suppose could long exist on their present separate footing without producing mischiefs of a much more grave and serious description. We repeat, we entirely concur with Sir J. Mackintosh, that this ought to be done with great caution and consideration; but on the whole, with him, as far as we are able to understand them, we by no means disapprove of the more extended measure, or of the terms on which the proposed union is intended. By the provisions of the Quebec Act, the number of Representatives of the Lower Province was fixed at 50; of the Upper, 16; but right was reserved to either Legislature to provide according to their circumstances for the increase of their numbers. The general population of both colonies was at that period about 30 Canadians to one English. The Members for Lower Canada are of course returned principally, or almost entirely, by the French inhabitants, in no instance more than five English Members being found among the 50, and this has led to the formation of a French as contra-distinguished from an English party, jealous of the least interference of the latter, and invariably opposing any improvement suggested by the English on the Old French Laws, or Customs of the country. They have proceeded hitherto so far as to propose the impeachment of some Members in the Executive Council, for advising the voluntary commutation of common acreage for the old feudal tenures of property. They have even taken advantage of the power reserved to them, of increasing their numbers—because the population, where it has increased has been principally of English in the new settlements, who would then have had the privilege of returning Members, and adding to the English interest. The legislature of the Upper Province, on the contrary, have provided for the extension of their numbers, by dividing the country into counties, admitting one Member from each new settled county when there should be 2000 Inhabitants, and two Members, when the number shall increase to 4000—when the representation of the country is completed. In this way the Members of the Assembly of Upper Canada have been increased from the original 16 to 40. By the Bill, it is proposed to unite the two Legislatures of 50 and 40, giving power to the Governor of Lower Canada to issue writs for the election of ten additional Members from that province, from the districts now unrepresented, and thus continuing in force in Upper Canada, their own law for the gradual increase of their Members, till the number of the joint Legislature should arrive at 120, when power is given to them, by a Bill passed by a majority of two-thirds of the Members present, to alter or amend the state of their representation. The qualification of Electors remains the same as in the Quebec Act, &c. &c. for voters in the counties, and 10l. in towns, and that of Members fixed at 500l. actual property. So-far, certainly, it does appear a most independent Legislature must be assured to the Provinces by this Bill, and a perfect guarantee against any encroachment on the part of the Executive Government, and as it is stated the British population of both Provinces has increased from the proportion of 1-30th to 2-5ths of the whole, there is a strange anomaly in leaving them subject to the thraldom of a French Legislature, having the complete controul over the revenue of both Provinces, and exercising, as it is alleged, a very beneficial influence on the general policy of the Lower. The condition and state of the respective population ought also to be considered, and we understand the proportion of educated people among the French, is about equal to that of uneducated among the English, not above four or five in every 100 of the former being able to read and write, and many of their representatives being even deficient in these very material qualifications. Mr. Billie, who supported this Bill, admitted it ought not to have been brought forward without mature consideration, but pressed against any postponement of it, the danger of jealousy and animosity being excited among an ignorant population by interested people, who taking advantage of their natural prejudices on the subject of religion, and the ascendancy of an English interest in the Government of the two Provinces, might excite an hostility to the measure, which he did not otherwise apprehend; and that it could not be supposed that part of the Bill perfectly justifiable and expedient on general policy, which prohibited the use of the French language.

after fifteen years, would meet with any support from the French population. He strongly recommended the measure as likely to advance permanently the prosperity of the colonies—as securing to them a free and independent legislature, and ultimately laying the foundation of a great Government, which, either dependent on or independent of connection with Great Britain, would either be a most valuable colony or ally to the mother country. In the mean time, with proper and judicious management, it would afford a good asylum and retreat, for part of our redundant population, and be only intrusted Government—a prayer in which we entirely concur—to remove all restrictions from its trade, and to consider Canada more in the light of one of our own counties or of Ireland, than of a distant province. He particularly deprecated the unjust and impolitic restriction, which the late Corn Law imposed upon the exportation of its principal produce.

We think this measure merits the best attention and consideration of the public, and we shall feel disposed, whether the consideration of it is now postponed, as we think will be the case, or pressed in this Session, to give our unprejudiced opinion on the further discussion of so important a question.—*Morning Chronicle, July 20.*

*Paris Papers.*—We received the Paris Papers of Wednesday, last night by express. They contain no intelligence from Madrid later than the 6th. The CONSTITUTIONNEL, however, has, in an article of that date, some further details respecting the days of the 6th and 7th, and the names of which it is said the new Ministry will be composed.

The discussion of the Budget has been conducted with considerable warmth. The following scene occurred in the Sitting of the 16th:—

It appears very extraordinary, said M. de VILLELE, that the King's Government should be reproached with the care it takes to pay the debts of former Governments; if there is any remarkable phenomenon that could prove the power of legitimacy, and of the institutions which guarantee our public liberties, it was the spectacle presented for seven years by the King's Government, imposing enormous sacrifices upon the people to fill the pockets of those who served the preceding Government.

The most violent agitation broke out on the left; all the Members rose at once and violently abused the Minister. MM. CASSIN, PERIER, LAFITTE, DEMARCAV, and DR GRAMMONT, were particularly remarked.

M. BIGNON—It is infamous.

M. DUPONT (de l'Eure)—Do not insult the Chamber.

M. CHAUVELIN—Let every one empty his pockets.

A. VOICE—You have paid foreigners with what came to your hands.

THE MINISTER—I know that when the truth is told (new interruptions more violent still on the left.)

M. de VILLELE—What fact do you dispute (on the right, order! order!)?

M. FOY—Your order is disorder.

THE PRESIDENT—I request the Chamber to be silent; the King's Minister ought to be heard.

On the Left—Yes, when he speaks with propriety, and does not insult the Chamber.

THE PRESIDENT—It is for the dignity of the Chamber not to answer by such interruptions. The King's Minister ought to be heard; you can answer him if you have anything to answer; but he ought to be heard in tranquillity and silence.

M. de VILLELE—Is it pretended that I have not been correct, or that I have insulted the Chamber? I have said that the King's Government has imposed sacrifices on the people, and great sacrifices. Upwards of 800,000,000f. are raised to pay, I have not said persons, but debts which however comes to the same thing; for there are no debts without creditors to pay the debts of the presiding Government.

On the right—That is clear.  
The tumult recommenced.  
Numerous voices on the left—He does well; as he has the profit he ought to bear the expence.

Another voice—It is the nation who pays, not him.

M. PERREAU—All the liquidations have been purchased by your people.

Another voice—The privileged Brokers have carried on a scandalous commerce.

General FOY—Is it us who have devoured the treasures of the extraordinary domain?

Another voice—Is it us who has the civil war amongst our neighbours? (The tumult was at its height, the Members of the right and the left rose and loudly abused each other. M. Delahot addressed himself to General Foy, who answered him with violence. The tumult was so great that it was impossible for us to hear their words.)

In the midst of the noise M. DEMARCAV rose and addressed an epithet to the Minister which we could not hear.

THE PRESIDENT—M. DEMARCAV, I call you to order.

M. DUPONT (de l'Eure)—That is very unfortunate.—*Morning Chronicle, July 20.*

*Holland.*—Accounts from Holland yesterday morning state, that the Dutch Government has intimated to the Colombian Republic, that the moment any European Power acknowledges them, they will be the first Power to follow the example; and in the mean time the Colombian flag will be received in Holland. The accounts also state, that M. Zea is daily expected there.

*Steam Ship.*—The CITY OF EDINBURGH Steam Ship sailed from Blackwall on Wednesday, with every birth occupied. Amongst the passengers were—The Hon. Mrs. Elphinstone, Sir David Ogilvie and family, Sir H. Dalrymple Hamilton, Bart. Lady Hamilton and suite, Sir James Duff, Bart., Sir T. Brisbane, G. C. B., Sir Coutts Trotter, Bart., Mr. Trotter, the Misses Trotter and suite, Capt. Harrington, Capt. Clay, Sir Charles Lockhart, Bart. Lady and suite, Mrs. Ingles and family, Col. Jones, George Dunlop, Esq. Rev. Dr. Manuel, Rev. J. W. Morgan, Rev. J. Davidson, and many other distinguished characters.

*Steam Yacht.*—The LORD MELVILLE steam Yacht left her moorings at the Tower, on Wednesday morning last, at seven o'clock, with about 120 passengers on board and six carriages, for Calais, which she reached at seven o'clock that day; and having disembarked her passengers and luggage, took on board six chandlions of coal, and between 40 and 60 passengers with their luggage, proceeded for London, and arrived at the Tower on the following morning, at eleven o'clock.—What would our ancestors of only a few years back say to this?

*Duke of Bedford.*—We rejoice to learn that the Duke of Bedford is recovering in a gradual but satisfactory manner.—His Grace has been attended throughout his dangerous attack by Mr. Woolrice, his travelling professional companion, and by Mr. Hammick, the Chief Surgeon of the Royal Naval Hospital at Plymouth, by the especial permission of the Admiralty, granted at the request of the noble family. Budeleigh, from whence the bulletins are dated, is situated midway between Tavistock and Launceston, on the banks of the Tamar.

*Race for a Rump and Dozen.*—Two Gentlemen of the names of Deerham and Mallion made the bet at a Coffee-house in St. James's, on Wednesday night, to run five miles, and to start off-hand. Bottlers were procured, they went off to the Williton road, and started. The match immediately became a sporting one between the Corinthian followers, and it was an excellent race. Both seemed aware, of the want of condition, but they did the first mile together in six minutes, the second in seven, and the third in eight. The pedestrians kept on together, when Mr. Deerham let go his speed in the last 100 yards, and won easily at last in 36 minutes.

**Indecent Statue.**

**TO THE SOCIETY FOR THE SUPPRESSION OF VICE.**

Report says that my countryman, Phillips, in a recent defence, complained that you had never prosecuted a rich person. I now call your attention to a subject that deserves your interference, and in which many rich and great are implicated.

I know not what my fellow-countrywomen intended by "inscribing" to the "Duke of Wellington and his brave Comrades," that naked and indecent figure now erecting in Hyde-Park. I am told the name "Achilles" is a disguise, probably some other individual is meant. To me it represented a wretch, who had been detected in the commission of a base act, and who, in endeavouring to escape, had left behind him on the stump of a tree, the necessary parts of his dress; the fearful cast of his countenance, and other appearances are presumptive evidences of the fact. We have no such powerful young man in this country, as the statue exhibits, and therefore his having seemingly in haste caught up his shield and sword to defend himself against his pursuers, is a further confirmation of the guilty act.

While I was viewing the statue, some gentlemen were significantly looking into my face. It was quite enough for me to have my sensibility hurt by the act of my own sex, without encountering the rudeness of the other; but this to me is an additional cause of my application to you.

I earnestly entreat the Society to pay immediate attention to this offensive subject, and that they will themselves personally judge of the correctness of my representation, and use their powerful means either to remove the nuisance, or get it so abated as to prevent the evils that otherwise may follow.

**ONE OF THE DUKE OF WELLINGTON'S COUNTRYWOMEN.**

**East India Loans.**

To the Editor of the Morning Chronicle.

SIR, At a time when so many Gentlemen are publicly notifying their anxiety to fill the next eight or ten vacancies which may occur in the East India Direction, I beg to call your attention to the carelessness and indifference to the feelings of the Creditors of the Company, which at this moment characterizes those who conceive themselves fixed for life in their seats at the India House.

Having promised that the whole of the Company's Indian debt with the exception of that of 1811, was in the beginning of 1821 payable, both principal and interest, in India, or England, at the option of the creditor, and at the exchange of 2s. 6d. the Siaca Rupee, I shall proceed to state the ground and matter of complaint.

About this time last year an advertisement was issued from the India House, notifying that measures had been adopted by the Bengal Government which might lead to the discharge of the existing Six per Cent. debt of the Company; and farther that a new Six per Cent. Loan had been opened at Calcutta, the interest and principal of which were payable in India only; and it concluded with desiring the bond holders resident in England, to instruct their Agents in India whether to transfer into the new loan, or to take cash, if Creditors of 1811, or cash or bills on England if Creditors of a later date.

The Creditors of 1811 not being able to get their money in England, I believe with few exceptions, directed their bonds to be transferred into the new loan; while those of a later date, being entitled to demand bills on London, with I believe a few exceptions, directed their principals to be remitted to England in the event of their bonds being advertised for payment.

It is probable that when these instructions reached the Accountants General in India, the Bengal Government saw occasion to alter their measures, for about two months ago, information was received that another Six per cent. Loan (into which the Creditors from 1811 to 1820 were invited to transfer) was opened at Calcutta, the principal of which was to be payable in India or England at the exchange of 2s. 6d. the Siaca Rupee, and the interest in cash in India, or by bills on London, to those actually resident in Europe, at the exchange of 2s. 1d. thereby reducing the interest as demanded, from Six to Five per Cent. per annum. It is not my intention to animadomat upon this financial effort further than to observe, that no general reduction of interest is effected by it, that the great mass of the Company's creditors, viz. all those resident in India, will continue to receive the same rate of interest as heretofore, and that the sole benefit accruing to the Honourable Company consists in one per cent. which is wrong from those of their servants, who hav-

ing passed the best part of their lives in India, have returned many of them with very small means to end them in their native country.

That the India Government was legally entitled to act as it has done there can be no doubt; and if the Court of Directors approve of the measure, there is nothing more to be said; but what I complain of is, that having called on their creditors to send out instructions to their agents in India at a time when, from the terms of the loan then open, there could hardly be said to be an alternative, and the creditors having complied with that call, the Court of Directors have not deemed it necessary to issue any notification as to the line of conduct they mean to pursue in regard to those who would probably have transferred into the Loan now open, had they not been prevented by having obeyed the call of the Directors and instructed their agents in India, rather to remit their money to England than transfer it into a Loan, the interest of which was payable only in India.

Such silence, I can not help thinking, evinces an indifference to the feelings of the Company's creditors, which is most unbecoming on the part of the Directors, and which is not very consistent with the fair promises they all made when canvassing for the seats in which they now consider themselves to be so secure.

I am, Sir, your most obedient Servant,

CIVB.

**Empire of Mexico.**

The following is the decree of the Mexican Congress by which Iturbide is declared Emperor:—

**DECREE.**

The Supreme Regency of the Empire, by an act of extreme urgency, issued, in the capital city of Mexico, on the 21st of the present month of May, the following public act, which they had prepared for the occasion.

The Regency of the Empire, invested intermediately with the functions of executive power during the vacancy of an emperor, to all those to whom these presents shall come, health.

The sovereign constituent Congress of Mexico hath decreed as follows:—

In the palace of Mexico, the 19th day of May, 1822, second year of independence.

The sovereign constituent Congress of Mexico, assembled in an extraordinary session by the occurrences of the preceding night and called upon this day by the Generalissimo and High Admiral, to consider various documents recorded in the transactions of the day, abhorrent to the wishes of the people; conforming with the general wishes of congress and the nation, having taken into consideration that the Cortes of Spain, by a decree inserted in the *Gazette* of Madrid of the 13th and 14th of February last, have declared null and void the treaty of Cordova; and that, therefore the case provided for, ceases to be obligatory on the Mexican nation; by the third article of the said treaty the authority recurs to the sovereign congress, constituent of this empire, to nominate a person as emperor, and to exclude all others from thenceforth; and after due consideration, they have declared that the Señor D. Agustín de Iturbide is the person who is best entitled to that office, upon the basis of the plan proclaimed at Iguala, and expected by the body of nation, and to which they have taken the oaths in due form, in congress, on the day of the 21st current.

The Regency in its wisdom directs that it be communicated to all authorities of the empire, that it be printed, published, and circulated, and that with this act ceases the functions with which the regency was invested.

Done in Mexico, 21st of May, 1822, second year of independence  
(Signed) FRANCISCO GARCIA CANTARINES, President.

FRANCISCO MARIA LOMBARDO, Deputy and Sec.  
JOSE IG NACIO GUTTERREZ, Deputy and Sec.

By the Regency of the Empire.

Therefore it is commanded, that all the tribunals, judges, chiefs, governors, and all other authorities, as well civil and military as ecclesiastical, of whatever class or station, respect and cause to be respected, to fulfil and execute the present decree in all its parts; taking special care that it be printed and circulated throughout the nation.

(Signed) JOSE ISIDRO YANES,  
MIGUEL VALENTIN,  
EL CONDE DE CASA HERAS, Regents.  
NICHOLAS BRAVO,  
A. D. JOSE DE HERRERA.

## MISCELLANEOUS.

— 645 —

### Greeks.

To the Editor of the Morning Chronicle.

Sir,

I was not a little rejoiced to see you in one of your late Papers so solemnly announce your resolution to do your duty to your countrymen in calling their attention to the subject of the unfortunate Greeks; and it is the deep and lively interest I have ever taken in their fate, that now induces me to address myself to you. I have long witnessed with astonishment the unaccountable apathy of Englishmen upon this occasion. I have long indulged a hope that their hearts would at length be touched, and their better feelings and dispositions awakened. But the time presses; the necessity is urgent, and nothing has yet been done. When is the moment of exertion to arrive? When is this strange silence to be broken? And when will Englishmen come forward, and act like Englishmen? Will none raise their voice, will none make an effort, in favour of a cause, which, to this nation above all others, ought to be so sacred and so dear? Is Greece the only country upon earth, for which Englishmen have no feelings of compassion and generosity? Are the Greeks alone excluded from their restless and comprehensive benevolence? Does British philanthropy, which, like the sun, visits and cheers every portion of the globe in its gigantic course, and penetrates with its beams to the darkest and most remote corners of the earth, to foster the seeds, and cherish the growth of human happiness; does this philanthropy, I say, lose all its kindly warmth and invigorating powers, when turned towards that once happy and highly-favoured soil? Is it so harassed and worn out in its exertions for other nations, and in struggling with impossibilities to extend the dominion of science, religion, and humanity that it can no longer raise a hand to relieve, nor a voice to console and animate a nation of freemen, and of Christians sinking and expiring under the overwhelming power of the worst and most detestable tyrants?

In our state nothing has been done, and but a few words have been occasionally dropped upon this interesting and heart-rending subject and even what little has been there said upon it, might very well, by a person but moderately conversant with the usual style of Parliamentary debates, be attributed rather to the irritable and quarrelsome spirit of opposition, than to any earnest desire to interfere and to rescue the unhappy Greeks from their fate.

And where, let me ask, where are the Reverend Bishops and Archbishops of our Church, the appointed guardians of our religion; that religion, in the extermination of which, is one of the fairest portions of Europe, the Turks are now actively engaged? Why have these Reverend Fathers been silent? Why have they not espoused the cause of Christianity? Why have they not "interposed the sanctity of their lawn," and stretched them forth to protect Christian temples from pollution, and snatch Christian children from the grasp of infidelity? Why does no voice issue from the pulpit in behalf of a Christian people threatened with extermination? Where, again, are the great philanthropists of our nation, the indefatigable enemies of slavery, and the enlightened patrons and advocates of humanity? Where are the gallant officers, who when other nations were concerned, though engaged in a cause infinitely inferior in its merits, and comparatively weak in its claims, were ready enough to employ their talents, and to shed their blood? Where, I say, are all these great and distinguished characters, who could do so much, to promote, and perhaps ensure, the deliverance of the Greeks? and why have they hitherto done nothing? Do they mean to persevere in this unmannerly and unchristian apathy and inactivity, and are their exertions for the best interests of mankind at an end? If so, if those that stand in the foremost ranks forget, or abandon their duty; why, in God's name, let the humblest and weakest among us come forward, and at least prove to the world, that there is still British feeling among us, and that it only waited to be called forth into exertion, and was not paralysed nor extinguished.

Surely, our own distress, or the expectation and dread of impending ones, have not so chilled and narrowed our hearts, that they are no longer to be warmed into indignation by Turkish atrocity, or expanded with benevolence and sympathy towards the unhappy victims of it? Are Englishmen, then, no longer the friends of the distressed, and the protectors of the persecuted? Are they become deaf to the cries of freemen struggling for liberty, and stretching forth their hands, and entreating them for help? Do they hear of women and children being torn from their country by thousands, and sacrificed to the lusts and avidity of Maccus? and is this a history, which they read from day to day, and hear re-echoed with indignation from every corner of Europe, and yet remain inactive and unconcerned? God forbid that this should prove to be the case, and that other nations should have it in their power to shame us by a comparison of their own exertions in support of this sacred cause with our total indifference towards it! I allude particularly to Germany, and the subscriptions and personal exertions and efforts which have been made by that nation in favour of a people, with whom they have no kind of connection, and whose cause nothing but the voice of humanity could call upon them to espouse.

If the Ministers of this country, whether from just and enlightened or short-sighted and mistaken views of its political interests, time and the issue of events may perhaps prove; if these Ministers, I say, conceive it to be their duty to favour and uphold the despotism of the Turks, and to compromise the character of the nation entrusted to their charge, and that of the very religion which it is their duty to protect; it yet may be, and I affirm that it is the duty of every other individual in the country to counteract, as far as individual exertions can do it, the effect and consequences of such conduct; and to stand forward, and assert rights and claims of humanity and justice—no matter whether they be violated and attempted to be silenced on the British or the Grecian shore. It is the common cause of mankind. As men, as Christians, as Englishmen, it is our duty to step forward, and shew the world, that we are not indifferent to the fate of our fellow-creatures; that we have a religion, whose interests are dear to us, and a country whose character we value; and that it is not an idle vaunt, when we justify our national prejudices and pride by asserting, that it is this country that before all the nations upon earth takes the lead in every noble undertaking, in every generous exertion, to promote the improvement, the happiness and the liberty of mankind.

To conclude, Sir, I trust that you will effectually redeem the pledge that you have so solemnly given to the public, and that you will not cease to call aloud upon the people of this country (and I earnestly entreat you to do so), till you have awakened the attention and feelings of men, who by their influence and talents can at once bring the subject under favourable auspices before the nation, and at the same time concert measures for the proper and effectual application of the sums of money, which I have no doubt British generosity, if once awakened by a forcible appeal, would furnish, to rescue the Greek nation from destruction, and to promote the great cause in which they are engaged. I would fain to hope, too, that the exertions of my countrymen would not be confined to pecuniary assistance.

Whenever a subscription shall be opened, that has the deliverance of this interesting people, and the conquest of their freedom, and that alone, for its object, though I am not rich, and cannot very well afford it, I shall joyfully contribute Fifty Guineas towards it, and shall be proud to be amongst the first to show my devotion to a cause, which every Englishman should consider as his own.

PHILOPATRIS.

### The Statue of Achilles.

To the Editor of the Courier.

Sir,

The furious and ill-founded criticisms on the colossal figure in Hyde Park, which have appeared in some of the newspapers, being calculated to mislead public opinion, and injure the welfare of the fine arts in this country, give me leave to offer a few remarks on what these very fastidious critics have chosen as the chief ground of their hostility, namely, the supposed indecency of exhibiting a naked figure in so public a situation.

That the mere exhibition of an artificial naked figure must, of necessity, give birth to impure ideas, is, in my humble opinion, assuming more than is warranted by the occasion. If the figure in question betrayed any lascivious character or expression, the objection to its public exhibition might have some weight; but in the present instance, the character is that of a warrior in a fighting attitude, and the mind of that female, who could ascribe any other attribute to it than what it really expresses, might be very justly suspected of having already lost much of its native purity. The Journals of the British Museum, in which the names of the visitors are regularly entered, will show that a great number of females of all ranks and ages, visit both the Townly and Elgin collections, and this, too, in the company of their parents, who can hardly be suspected of any wish to lead their daughters to the contemplation of objects either immoral or improper. That sort of squeamishness which these insensate critics seem to consider as essential to female purity, is built on a very shallow foundation, and must be very often put to the test, for there is not a place of public amusement at which the eyes and ears of females are not subjected to gross and undisguised indecency. I am convinced that the sentimental stuff in many of our modern plays, such as the Stranger, and others of that class, is more dangerous and more likely to corrupt the female mind, than even subjects of a less equivocal description. If such a pitiful and foolish feeling is to be the criterion of female excellence, it must have the effect of almost totally excluding the softer sex from all intercourse with the world, even from places of public worship, for it cannot be denied that many passages which are delivered in the course of divine service, would be in the abstract, not strictly proper for the female ear.

More women are led astray from the path of virtue, by the love of splendor, and by offerings made to their personal vanity, than by any incidental appeal to the passions. It is the high sense of honour, and the dignified resentment of improper freedom, either in word or deed from the other sex, that should constitute the shield of female virtue, and not

that mock delicacy which, under a blushing cheek, but too often hides vicious and depraved heart.

The attack made upon those Ladies who have contributed to the completion of this work is too gross to need any comment. It is but a part of that system of personal intimidation which is constantly practised against the higher orders by all those obscene, vulgar, and unprincipled scribblers who are no less the curse than the disgrace of modern times. The insinuation that these Ladies preferred giving their money for this Statute to giving it to the distressed Irish, is as base as it is false, because it is a fact easily proved, that the subscription for the Statute was completed at least four or five years ago, a period when no distress existed in Ireland, or could reasonably be foreseen.

The language in which these sensitive critics have expressed their moral fears, is somewhat amusing. We have heard of the Devil rebuking sin, and these Gentlemen have furnished us with a pretty strong illustration.

I am, Sir, your most obedient Servant,  
RICHARD LAWRENCE.  
Imperial Parliament.

HOUSE OF COMMONS, FRIDAY, JULY 19, 1822.

ALIEN BILL.

Mr. PEEL moved the 3d reading of the alien bill.

The question having been put from the chair,

Mr. BERNAL expressed his strong disapprobation of the principle and details of the measure. It was no longer called for by any foreign war, but the ground on which it rested was, that it was necessary for the sake of preserving our friendly relations with continental states. He then proceeded to reply to some remarks made on a former night in favour of the bill, by the President of the Board of Trade; he (Mr. Bernal) contended, that though it was only to continue for two years, it contained in itself the seeds of perpetual regeneration. For the very reasons for which the measure was solicited, it might be shown to be impolitic and unjust. If the ordinary law were not sufficient for repressing the plots and machinations of aliens, when any extraordinary danger arose, the minister might rely upon Parliament to afford him powers equal to the emergency. If projects against foreign states were concerted here, it would be amply sufficient to preserve the bonds of amity, that the enterprise should be communicated through the medium of the ordinary and established envoys. From the rapid changes of opinion and government that had taken place in our own day in the old and new world, it was obvious that this very bill, brought into operation against exiles of one sentiment might be the very means of discord when the party professing that sentiment again came into power. The bill had the effect of producing a degree of suspicion and distrust in the minds of strangers, wholly inconsistent with their previous notions of British hospitality and generosity. He then entered into some historical details, to show that this country had at all former periods previous to the adoption of alien bills, afforded to foreigners a liberal shelter and an undistinguishing protection.

Mr. WETHERELL argued, that the principle of the alien bill was as old as the constitution of the country—it was a power inherent in the Crown from the earliest periods. The very opposite of the doctrine laid down by the honourable member for Knaresborough (Sir J. Mackintosh) was correct; that proposition was, that *Magna Charta*, not merely to merchants, but to all strangers, afforded free ingress, regress, and domicile in this kingdom. That hon. gentleman went on to controvert this position, insisting that every state in its first rudiments must have the right to admit, exclude, or send away those who were not its subjects, and consequently that right belongs to great Britain. *Magna Charta* in terms applied to merchant strangers only, and they could not come but under the safe conduct and protection of the King, by which in fact was meant the King's license. There were between 15 and 20 statutes, from the time of *Magna Charta* to the reign of Henry VI., in which provision was made for the admission into our ports of "merchants strangers" only. How, then, could hon. gentlemen contend, that a right, specifically granted for the purposes of trade, could be extended generally to persons having nothing to do with trade? Neither reason nor the terms of *Magna Charta* itself could warrant such an inference. *Magna Charta* gave the right of safe conduct to merchants, to those who came here to trade; but it went no further. This was the interpretation given to the passage by Sir Matthew Hale, and other eminent men. There was a curious document now in existence, from which it appeared, that in the reign of Edward III., a "safe conduct" was given to a merchant of Bordeaux "to come here to prosecute his affairs;" which showed that the power to allow or to prevent the entry of foreigners into this country had been anciently exercised by the Crown. If a merchant were coming here, not to prosecute treason, but to prosecute his trade, it would, he admitted, be wrong to prevent him. But the question was, whether the state had or had not the right

to exercise this power over aliens? he would ask whether language, which evidently pointed at persons acting in a mercantile character, was to be enlarged to the monstrous and extravagant limits to which the genius or fancy of his hon. friend (Sir J. Macintosh) wished to extend it? His honourable friend had argued, that this privilege was given to foreigners, not only for the purpose of trade, but that the constitution granted it to all persons who pleased to make use of it. He denied the truth of this proposition, and, referring to *Magna Charta*, it was quite evident that this was a relative, not a general privilege. If persons came here simply to trade, it would certainly be a breach of the law of *Magna Charta*, a merchant stranger was at liberty to come here; but that even then he was liable to the test of "a safe conduct" from the crown, which would remove any doubt as to whether he really came here to trade or not. The hon. member for Knaresborough (Sir J. Mackintosh), the hon. member for Peterborough (Mr. Scarlett), and many other gentlemen asserted, that by adopting the provisions of the Alien Bill, they violated an ancient principle of the constitution. It was therefore proper to inquire what the antecedent practice of the constitution was, in order to discover whether they were violating a principle indigenous to it. He assumed, that he had answered the proposition of the universal right of foreigners to come to this country, in ancient times; and he would now pursue an inquiry into the principle and practice of modern days. He must contend, that the same principle which anciently prevailed was still in existence, unless it could be shown that it had been repudiated and thrown away. In treating this part of the subject, he would adopt a line of inquiry, consisting of two branches. He would ask, whether the state had not the same power over aliens that it always had over the natural born subjects of the Crown? If it appeared that it had always exercised a similar, nay, larger power over the natural-born subjects of the Crown, it must follow, that it had a right to use a congenial and analogous authority over aliens. If he could prove that the crown had the authority to say to its natural born subjects "You shall not quit the kingdom," or being absent, to command their return, then he brought those who opposed the bill to this monstrous absurdity—that it exercised a power over its natural-born subjects which it could not enforce with respect to aliens—that it was strong where it ought to be weak, and weak where it ought to be strong. Strong where it ought to be weak, by exercising a power of coercion over its natural born subjects and abridging their rights; but weak with respect to aliens who, though not equal candidates for favour, though they could not make the same appeal for indulgence, were left in the possession of that privilege of which the natural-born subject was deprived. If he proved that this power over the natural-born subject existed, he must conclude that the power over the alien also existed. If he proved the larger proposition, he would assume that it included the smaller. He would not contend that the alien should be placed in a worse situation than the natural-born subject; but he must argue that the latter should proceed *passibus equis*, and ought at least to enjoy as extensive a privilege as the former. He was surprised to hear the hon. member for Lincoln (Mr. J. Williams) say, that the writ of *ex estra regno* originated in a dark age; that it was only to be found in some hole or corner of the constitution. The hon. member for Westminster (Mr. Hodhouse) had pursued the same line of argument, and accused Sir W. Blackstone of having committed blunders. He had also attacked his learned friend the Attorney General for Ireland, and every other person who supported this measure. But was the principle which that honourable member combated so very new? Fitzherbert, whose authority was highly respected, gave a laborious statement of the power and effect of the writ *ex estra regno*. That writ might be applied—first, to prevent any persons from leaving the kingdom; 2d, to prevent the departure of any particular individual; and 3d, if parties were abroad, the power of recall existed, by letters under the great or privy seal. The writ might be issued by the Lord Chancellor, *ex officio*, by the Secretary of state, or the Keeper of the Privy Seal. Lord Hale, by the annotations, mentioned the doctrine laid down in Fitzherbert. A case in which the existence of this controlling power was peculiarly manifested occurred in the reign of Queen Elizabeth, and was to be found in Dyer's reports. There a merchant left the country without license, under the 5th of Henry II., which permitted none but nobles, soldiers, and merchants, to leave the country. Complaint was made of this departure, and the Queen referred it to the Judges. The question was, whether he went abroad for the purpose of trading, or for general residence; and the Judges held, that as he was "a merchant," he had a right to go abroad. This showed the authority of the crown, unless in some excepted cases—that of "merchant" being one of them. In the time of James I. Sir Thomas Dugdale went to Venice, and refused to obey the King's letters of recall. Prior to his going abroad, he had made over his property to a friend. It was questioned whether the property that

made over could be forfeited on account of his conduct; but the Court of Exchequer found that it was forfeitable. This showed that the crown had exercised the power of inflicting a penalty on a natural-born subject for remaining out of the realm. In 1710, in the reign of George I., Lord Wharton, who had been created a duke for the attachment he had manifested to the reigning family, changed his political sentiments, and attended at the Court of St. Germain's. He was recalled, but he refused to obey the order, and confiscation of his property followed. Here they found that latent power in full operation, which they were told no one ever heard of except in the dark periods of the constitution. They would find that it had been resorted to in all times and ages, down to the reign of Geo. I. He would next inquire into the power which the state had over aliens. Lord Hale explained that point fully in his tract *De Legibus Mariis*, where he inquired into the *lex regia* or the right of the crown to open and shut the ports of the kingdom at pleasure. Now, surely if the crown had a right to keep out ships, it had also authority to keep out those who were embarked in them. Lord Hale spoke of the Crown as the *claviger* or bearer of the keys of all the ports and havens in the country. He could cite various letters from the time of Henry III., which had been directed by the crown to the governor of Dover, the archbishop of Canterbury, and others, to prevent foreigners from coming into this country in time of peace. If they ventured here, it was ordered that they should be sent back. At various periods this power was vigilantly exerted to prevent emissaries from the See of Rome coming to England. This was a clear proof of the exercise of that authority which they had been told never existed. But it was quite evident, that in some branch of the constitution that power always did exist, to prevent individuals who were not "merchants" from coming here. From a curious letter, to be found in Sir Dudley Digby's *Compilations*, it might be seen that Queen Elizabeth's lawyers conceived that the right of dismissing aliens belonged to the Crown. The letter to which he referred contained instructions which the Earl of Worcester was ordered to carry to Sir Francis Walsingham, then minister at the French court. The French King had complained that Queen Elizabeth had received into her dominions the relics of the Huguenot party, after the massacre of St. Bartholomew. He demanded, "not only that they should be admonished, but that they should be commanded to return." Sir Francis Walsingham was directed to expostulate with the French King; and the instructions were signed by Lord Burleigh and Sir Thomas Smith. Those instructions contained the following passage:—"It is the privilege of Great Britain to receive exiles of France and every other country; but if they attempt any thing to the disquietude of the realm, they are sent away." (hear.) He knew the meaning of the cheer given by the gentlemen opposite; but if they would have their argument on this point, he hoped they would suffer him to have his. He was inquiring whether, in fact, the power of sending aliens out of the country was formerly acknowledged and used. The power might be abused, but that was another branch of the argument. If this power had not existed in the time of Elizabeth, why did not Lord Burleigh briefly say to the French King "Those aliens are come to England, and we have no power to send them back?" Instead of that, he stated—"Great Britain has a right to receive them; but if they misbehave, the state has also the right of removing them." A case occurred in the reign of James I., where the Court of Spain remonstrated against the expulsion of a Spaniard from this country. The answer was "that he had been intriguing in the court." At the same time, some low-born Irishman insulted Sir Charles Cornwallis, our ambassador in Spain. He, however, did not request that the offender should be removed to Dublin, but merely desired that he should be lectured in private. He had thus inquired—1st, What power the Crown had over its own subject—and next, what authority it had formerly exercised over strangers; and whether or no the power of removal did or did not exist in the state? His own opinion, that it did exist, was as decided as it could be on any point that came within the scope of his reasoning faculties. The hon. member for Westminster had said, that Sir William Blackstone had been convicted of three blunders. Who were his judges? who the witnesses against him? who the jury by whom he was convicted? If they were the gentlemen on the Opposition side—then they were judges, witnesses, and jury, all in one character. He went along with gentlemen on the other side in their feelings and principles respecting this bill; but he could not go along with them in saying that we abrogated the laws, and tarnished the glory of our ancestors, in advocating this doctrine. Aliens could not be domiciled in this country. How was that consistent with the rights alleged to be given by *Magna Charta*? They were entitled, it was contended, to live in this country; yet they must live under vines and fig trees, and sheltered only by the canopy of heaven. Merchants only were by law allowed to have houses. If the power of sending aliens out of the country was possessed only by the King and the parliament, then they might misconduct themselves while parliament was not sitting, without any power of sending them away. His hon. friend the member for Lincoln (Mr. J. Williams), who was not now in his place, had felt this difficulty, and maintained that the Privy Council ought to send them out of the country, and to call on Parliament for indemnity. He could, in addition to the other authorities, cite that of Sir Archibald Macdonald, though gentlemen on

the other side might place his name in the vocabulary of blunders. Sir Archibald Macdonald, in 1700, had cited a manuscript authority of Lord Coke, and maintained that the Crown possessed the power of sending foreign seamen out of the country. He agreed with hon. gentleman opposite, that if aliens were sent out of this country because they were unpopular at foreign courts, then the powers of the act were abused. That they should be accused of offences in foreign countries, was no reason for refusing them protection here. The regicides of Louis XVI., if they had sought shelter here, ought not to have been sent away. Exiles for crime ought to find an asylum in this country. The criterion was, whether this state was likely to be injured by their presence.

Mr. DENMAN said, he felt it very difficult to address the house after the two honourable gentlemen who had last addressed them. His honourable friend the member for Rochester had exhausted the arguments against the bill, and his honourable and learned friend who had just sat down had by his ingenuity and repetitions of legal inferences exhausted the attention of the house. He was not sanguine in his hopes of success in resisting the bill at this time, but he hoped when the economical reductions which would be necessary should come under consideration next year, that the discussions upon this subject would be reverted to, and the establishments under this act abolished. His hon. and learned friend's feelings were with the opponents of the bill. They did him more credit than all his ingenuity and diligence, both as an English gentleman and as an English lawyer. (hear, hear.) The mode of argument adopted by his hon. and learned friend was not immaterial, though far from deciding the question. But it was not immaterial to ascertain whether the power given by this bill had always existed, and was now modified; or whether it had been introduced within the last 30 years; but it was rather a question of curiosities and antiquarian research, and could not afford sufficient ground for this bill. His honourable and learned friend had admitted that no historian, lawyer, or compiler had stated this prerogative as part of the law. His candour had exerted this admission in the midst of his zeal. This was itself demonstration against the existence of such a prerogative. His honourable and learned friend had contended that it was the same with the writ *ad eundem regiam*. This he (Mr. Denman) was prepared to deny. Here he begged to say, that his learned friend the member for Peterborough (Mr. Scarlett), and his learned friend the member for Lincoln (Mr. J. Williams), had argued not so much against the prerogative itself, as against the prudence of its exercise. Was there one abridgment of the law in which the writ of *ad eundem regiam* was not to be found? (hear, hear.) A negative was not surely to be proved by them who denied the existence of the power to send aliens out of the country. One of the most important books of authority in the law, Chief Justice Comyn's Digest, contained the head of restraining natives from going abroad, and compelling their return—*ad eundem regiam et reverteretur*—but not one mention of any power to send aliens away. (hear, hear.) Bacon's *Abridgment* enumerated the "diseases of aliens," but never mentioned among them that they were expellable at the *caprice et arbitrio*. (Cheers.) His hon. friend, the member for Westminster, represented Sir W. Blackstone to be a blunderer, his hon. and learned friend represented Lord Coke to be a blunderer. So there was one blunderer set off against another. It was not the statements or opinions of political judges on the Woolpack, but their solemn decisions in courts of justice, which could have authority on this question. (Aho!) Aliens might have property in this country. Could they be sent away from their legal property? The distinction between an alien friend and an alien enemy ought never to be forgotten. An alien friend might at once become an enemy, and when hostilities were likely to break out, nothing could be more fit than to warn alien friends to leave the realm. The house of an alien merchant fell to the King: was the King invested with the power to send away one whose property would fall to himself? The right hon. gentleman (Mr. Wyndham) was not present, who had unansweredly answered the argument respecting this sovereign power being in the crown. Another right hon. gentleman (Mr. Canning), to hear whom on any subject was the greatest intellectual delight, but whose eloquence exerted in the cause of the stranger and friendless would indeed be gratifying, was also absent. From the absence of those eight honourable gentlemen he anguished the fate of this bill. (hear, hear.) Mr. Fox had denied the prerogative when the horror of French principles supplied a case which was now entirely wanting. Mr. Pitt never asserted it. Mr. Burke said it could be justified only by extreme necessity. Neither the set before the breaking out of the war, nor any of the confirming acts, alleged the existence of the prerogative. War ought not to be directed against families, but against governments. In the case of Calvin it had been expressly laid down, that any subject in league with England might come into her realms without license. This was the dictum of Lord Coke. Barely, then, if a man might come into the realm without license, he might remain in it without license. The proclamations which the supporters of the bill relied upon were treated by Lord Coke as contrary to law. He (Mr. Denman) said that the right of aliens to come into the country did not rest upon the provisions of *Magna Charta*, it rested upon the common law of the land. The clause in *Magna Charta* certainly strengthened the right, because it distinctly

gave it to aliens who were "merchants;" but who was to say of an alien standing in England, whether he was a merchant or whether he was not? And, besides, the present bill was directly contrary to *Magna Charta*, for it made no provision for the safety of "merchants" any more than for that of other persons. He was astonished to hear the measure attempted to be justified by comparing it with the power of writ of *ne exeat regno*. The two powers had not the most distant analogy to each other. And gentlemen talked of the impossibility of supposing any abuse in the exercise of the power: why there were cases upon cases in which its operation must necessarily be most mischievous. For instance, how was it to be decided whether any man was an alien or not? Such a question might be extremely difficult of solution even in a court of law, and yet the word of a single individual was to determine it. No law could be enacted more likely than this alien law to embroil us with foreign nations. Suppose the law to be enforced against an American, and America to retaliate upon her resident British subjects. And how was bill to be kept in operation? By a system of surveillance, of espionage, over 24,000 men. The impression upon foreigners' minds as to the measure might be seen from what had taken place in the late Queen's case with respect to *Machiavelli*. Many persons, aliens, had requested not to be brought forward as witnesses on her Majesty's behalf, from apprehension lest their evidence should cause the act to be enforced against them. In the case of alien jurors, the effect of the bill would be still more dangerous. He really thought that its existence would (in any cause where Government was prosecuting) give a legal ground of challenge to the defendant. The hon. and learned gentleman concluded by asking what was the necessity for the bill? Arbitrary power might always be asked for as desirable; but it was not because it was convenient that it therefore ought to be granted. He saw nothing to apprehend from what had been called the railing of empires. That we had lost America, would not now be considered as absolute ruin. That South America was separated from Old Spain, was not an event pregnant with very dangerous consequences. From the downfall of the Bastile, and of the Inquisition, and of the principles which had supported those establishments, he augured nothing but advantage to the world: he should vote against the present measure, because he thought it most injurious both to the honour and to the interests of England.

Sir R. WILSON opposed the bill as a disgrace to the national character, and as a measure not resorted to in France. Instances of the abuse of the act might be stated in numbers: witness the cases of General Gouraud, sent out of the country upon the deposition of a worthless individual to whom he owed money, and of the noble Bonaparte, not allowed to land in England when he came from St. Helena. The bill would no doubt pass this session; but he was happy to state that the hon. member for Durham would move its repeal in the next.

Colonel STANHOPE supported the bill as just, politic, and necessary. No alien could apprehend danger from it who had not committed some impropriety in his own country.

Sir R. WILSON.—The hon. member (Colonel Stanhope) has asked by what authority I was sent out of France? I answer, that I was sent out by that power which violated the treaty of Paris.

Mr. SCARLETT said, that as allusion had been made by his hon. and learned friend (Mr. Wetherell) to an opinion given by him on a former evening, as to the prerogative of the crown in the issue of writs of *ne exeat regno*, he would now briefly re-state that opinion and the authorities on which it rested. He had stated, that the King had a belligerent right to prohibit by proclamation his subjects from leaving the country in time of war, but this was only a belligerent right, and did not extend to times of peace, during which he maintained that the King had no more a prerogative right to issue such a proclamation, than he had of issuing one (in time of peace) ordering the departure of aliens. Whatever might have been the practice in former times, it was now well known to every lawyer that the modern practice was, that the writ of *ne exeat regno* was issued by the Court of Chancery, and that the Lord Chancellor would not grant it, unless upon affidavit setting forth grounds of its necessity Lord Keeper Wright held, that the writ was altogether a remedial measure, and ought only to be issued upon affidavit of debt, due by the parties against whom it was directed. Lord Hale also held the opinion that it could only be issued upon particular cause shown in Court. By the 10th of Henry III., called "the assize of Clarendon," it was enacted, that no archbishop, bishop, or others high in ecclesiastical office, should leave the kingdom without the King's license; and the reason of this was explained by Lord Coke, on the ground that they were bound by their office to reside in the country, and also that, acknowledging a sort of jurisdiction in foreign power, they ought not to be allowed to reside abroad, where they might be enabled to plan mischief against their country; and when a writ of this kind was issued, the sheriff was authorised to demand from the party security that he did not go abroad. Another kind of writ was issued for the purposes of justice, and that was to be directed to the sheriff or magistrate, and returnable to the Court of Chancery. Another kind of writ was also known, which

was to be served personally on the party, and this was in case where it was stated, that from information laid before the Crown (which showed the necessity of a special case being made), it appeared that the person was going abroad to plan mischief against the state. The party was in that case cautioned against leaving the kingdom under a penalty; and what was that penalty? By the 6th of Richard II. (which was afterwards repealed by the 4th of James I.), it was enacted, that any person, except a peer or a soldier, leaving the kingdom without the King's license, was to forfeit all his goods and chattels. Now, Lord Coke laid it down that none of those writs could issue except where information was laid before the proper authorities. He further laid it down as a general principle, that every man had a right to go abroad; but that the King having an interest in the presence of his subjects for the defence of the country, he could in time of war prevent their departing from the land; but this was clearly a belligerent right, and extended not to times of peace. It was also held by Lord Coke, that the King could hold no prerogative against *Magna Charta*, and he maintained that he had not, from his prerogative, the power of arresting on suspicion of treason; because, if he was misinformed as to the cause of arrest, the party could have no remedy against him. If his hon. and learned friend could find such an authority in favour of the King's prerogative respecting aliens, as he might for the prerogative of imposing by the King's own act a duty on foreign commodities imported here, he would think it conclusive. Now it was held, in the reign of James I., that the King, by his prerogative, had the power of levying such duties, and the doctrine was supported by all the judges of that day; but, as was now well known, such a doctrine was looked upon as the greatest opprobrium to the then judges of England. The honourable and learned gentleman then contended against the general principle of the bill, as giving a great and, by the terms of the bill itself, an almost irresponsible power to the minister, such as no minister, however well disposed not to abuse it, ought to possess.

Mr. LOCKHART, amidst loud calls of "question opposed the bill, Mr. PEEL, in reference to the case of the Abbe Buona Vista, denied that any severity had been used towards him by this government. When he arrived in England, and found that he could not be permitted to remain, he wished to be sent to some port in the Mediterranean, but at the time the public service did not admit of his being so sent. On the 19th of May, Dr. Walsh, the superintendent of the alien department at Grosvenor, wrote to Lord Sidmouth, that from the Abbe's age he required many indulgencies which would not be otherwise necessary. On the 11th, a letter was returned in answer, that the Abbe should have early indulgence be required. On the 13th of the same month, Mr. Walsh wrote that the Abbe wished to go to Rotterdam. To this it was replied, Lord Sidmouth had no objection. He did according go to Rotterdam, accompanied by Mr. Walsh, who on his return stated that he left him in such good health as that he was enabled to proceed, the day after his arrival, in private carriage to Antwerp. He (Mr. Peel) felt it his duty in justice to his noble predecessor in office, to give this explanation.

Sir R. WILSON said that the explanation had not met the charge which he had made against Lord Sidmouth. He had charged him with having used unnecessary severity towards this aged man, by not allowing him to land. He wished to go to the Mediterranean, but he was refused, (this he had under the Abbe's own hand), and he was told that he must go to Rotterdam or to Hamburg; and he chose the former as being nearer the place to which he ultimately intended to proceed. This he would say was treating him with the severity of a malefactor.

Mr. PEEL said, that in tracing the correspondence on this subject, it appeared the Abbe himself applied for leave to go to Rotterdam.

Sir R. WILSON said he had the Abbe's letter in his hand, and offered it to the right hon. secretary to read.

Strangers were now ordered to withdraw, and the house divided.

For the third reading.....751 Against it.....53  
Majority for the bill.....48

On our return to the gallery we found

Mr. HOBHOUSE moving the following as an amendment to the title of the bill—

"A bill to repeal so much of the Great Charter of England and of other statutes, as relates to the free ingress and free residence of merchant strangers in these islands, and to assimilate in that respect the executive authority of Great Britain to the despotic Governments of the Continent."

After a few words from Mr. PAUL, the house divided, when their appeared:

For the amendment, 201 Against it, 601. Majority, 40.

The bill then passed.

The other orders of the day were afterwards disposed of, and the house adjourned at TWELVE o'clock to Monday.

# ASIATIC DEPARTMENT.

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## Regular Practitioners.

"Till old Experience doth attain  
To something like prophetic strain."

To the Editor of the Journal.

Sir,

In your Paper of Saturday I read the following passages in a speech of Lord HOLLAND's. "It (the Insurrection Act) placed arbitrary power in the hands of those who were likely to abuse it, sometimes from fear, and at other times from a wish to take revenge. Indeed he would rather confer such authority as it gave, upon the Military Officers of the Crown, than upon those whom it employed in Ireland in a Civil capacity. He would state a reason why it was not so very extraordinary to him to hold this doctrine. It was this, that if it were necessary to grant excessive powers, it was better to give them to those whose hands were the most accustomed to the use of them, inasmuch as he had observed that the Regular Practitioner always left a less wound behind him, than the ignorant dabbler in the art of Physic." Your Readers cannot fail to be struck with the accuracy of this observation, and to acknowledge that there is no Practitioner to whose delicacy and steadiness of hand they would sooner trust themselves than to Lord Holland.

Z.—

## Treatment of Colonies.

To the Editor of the Journal.

Sir,

The deep sensation produced among all thinking men by the late Arbitrary Act, is not surprising. We are a peaceful people, living in the midst of profound tranquility, and for many years past accustomed to the mild control of British Law, to which we looked up for the protection of our lives and property, from injury and spoliation.

The shield being now suddenly snatched from us by the extinction of a power which acknowledges no rule but ungovernable will, we feel ourselves at the mercy of a something so awful and indefinite, that the feeble barriers of Law, so pompously erected, the solemn Tribunal with its Mace and its Paper Charter, seem to dwindle into nothing. What are our Judges now? Merely the Interpreters of the Laws, of England, sent here to explain to us the excellence of the system of jurisprudence established in our Native Land, those glorious rights and privileges which even here the Cuir and the Pariah, the Cannibal and Idolator can enjoy, but not he who lisped at his birth the free atmosphere of England!

"I do remember me" that in Lord Hastings's time this same Court which we call Supreme claimed the high powers and functions of the Court of King's Bench. If so, I expect, should an individual be illegally apprehended within its jurisdiction, it will fearlessly grant him his *Habeas Corpus*. For I have not heard that the Court of King's Bench acknowledges even the Royal Prerogative as barring the exercise of this power; then surely this our Court of King's Bench cannot be crippled by the authority of a Governor-General! By this assumption of the functions of the Court at home, you have already suffered, a Criminal Information being granted against you; then they ought equally to operate for your benefit and protection.

It is easy to anticipate what will be thought and said of these matters at home, and whatever correct idea of Law and Justice exist, and persons may without danger express their honest indignation at the shadow of oppression. I regard it as a singular coincidence that in the same Journal, which announces the new measures taken with the *satirized*, *Freedom of the Indian Press*, namely, "Banishment without Trial, for Truth without Disguise," the Parliamentary *Intelligence*, the regular publication of which you had reached about the middle of July, contains a Speech of Sir JAMES MACKINTOSH, on the treatment of Colonies, fraught with observations so applicable to the measures in question, that were this a superstitious age we might

suppose them to have been made in the spirit of prophecy. It is however but the inspiration of a highly enlightened mind, comprehending in its grasp with the experience of the past so much of the great chain of moral and political causes, on which the affairs of the world turn, that his reasonings on future consequences come to us like oracular predictions. As his ideas on the government of British Colonies cannot be too often enforced nor too widely circulated, I shall make no apology for requesting you to include the following in the ASIATIC DEPARTMENT of your JOURNAL:

*When colonies of European origin were attempted to be restrained by coercion and terror, we only accelerated what we wished to prevent, and rendered adverse what might be inevitable.*

*Their feelings and wishes, their opinions and inclinations, we were bound to consult, for two reasons—first, because it was essential to their happiness; 2dly, because it was essential to the security of our authority. (hear!) If we incorporated them without knowing their feelings—if we showed a disregard of what the most absolute of the maxims of government required us to respect, we injured our own authority. The most absolute monarch, if by miracle he should be enlightened with reason and regard in common sense, would not neglect this duty. Frederick II., or any other monarch who acted on the rigour of the monarchical principle, could not, with safety to himself, neglect it.*

*Let it be noted, that the circumstances of the present time make connections between colonies and mother countries peculiarly important. So long as the parent state showed a proper regard for the rights of her distant dependents—so long as those dependents felt the security and the advantage of being connected with a mighty empire, so long they would be held in the strong trammels of interest and attachment. Under such circumstances they might, in the fulness of time, be parted from the parent country; but the separation would be natural, not premature—friendly, instead of hostile. The lighter the dominion, the longer it would last; & the more easily would a connection of empire be succeeded by a connection of affection and natural advantage—by a connection founded upon similarity of object and situation—upon community of privilege, of language, and of blood.*

*As long as the league continued to be observed on the one side, he did hold it to be, in justice, indissoluble by the other: nor should he ever be persuaded that the notion of governing distant colonies by force, of looking to extremes other than conciliation for maintaining them, was not folly upon all principle, upon all probability, and upon all experience.*

Such are the opinions of Sir JAMES MACKINTOSH: Happy would it be for England, if she had many such enlightened and patriotic statesmen in all parts of her extended rule. We should not then see the march of improvement impeded—the feelings of British Dependencies outraged, and their hearts turned away from the mother-country, by arbitrary acts not called for by any urgent necessity, and only calculated to draw down on their authors odium and ridicule. Men of all political parties who have a spark of pure British feeling, must assent to the observation contained in the speech of Mr. Wilmet, which was felt to the days of Fox as well as now, "That it is extremely unjust to have persons possessed of English habits and feelings governed by laws of a different character!" To the great Council of the Nation where rational principles of policy and justice are acknowledged, where the feelings of Englishmen are respected, where it was never dreamt of to deny to foreign Britons an equality of privilege with the dregs of the people of Asia, we must look up for the removal of such a monstrous degradation. Let us suppose a Petition presented by the British Inhabitants of India, humbly imploring the British Legislature to have pity on their low and debased condition, and to raise them to an equal footing with Pariahs and Outcasts, in the exercise of the divine gift of reason!—how would it be received? Surely, surely, with shame, indignation, and abhorrence, that such a state of things had ever existed for a moment.

The futility of this mode of punishing offences through the Press is not its least remarkable feature. Is it already forgotten that a few years ago, the Press was in the hands of East Indians

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who could despise the Censorship which bound down British Publishers? That the removal of the Censorship was suggested as the only means to take the Press out of the hands of the East Indians, and transfer it to British born Editors? These odious shackles were accordingly broken, and the result was as had been expected. Now a system is re-commenced, the effect of which must be to throw the English Press again into the hands of the Country-born population. If this be the object of Government, the means they have taken to attain it, are shrewd and politic, but so obvious that I can hardly give them the praise of profundity. It may be intended to indemnify this neglected race for the long neglect they have suffered, by granting them the exclusive right of freely using their reasoning powers; it is doubtful, however, I should think, if the Government at home, will be equally inclined to indulge them in this monopoly, and thus outrage the feelings of a class which have at least an equally good claim on their favor, namely, their British-born subjects.

A BRITON.

### Military Rumpus.

To the Editor of the Journal.

Sir,

I have just received a Letter by the *REVENGE*, which sailed from Liverpool on the 16th September, assuring me that the *JUPITER* was then at anchor off Deal, that Mr. Canning was to embark on the 1st October, to proceed to the Cape and remain there for a fortnight, and might, with certainty, be expected in Calcutta before the end of this month.

The only other News worth mention are that there has been a *Rumpus* at the Horse Guards. The Officers of that fine Corps the *THUNDERERS*, than which no Regiment in the Service is more perfect in every point of *Military discipline* and good order,—took offence at some dictatorial remarks aimed at it in the *COURIER*, and, by a majority, it was resolved that that Paper should be ejected from the Mess Room. This determination proved very unpleasant to Col. *NOWDESCRIPT*, a high Government Tory, and he, merely to carry favor, called upon the Officers to resolve that the Editor of the *EXAMINER*, who used sometimes to dine with them, should never again be admitted to their table. Though the motion was not carried exactly in that shape, an arrangement was made which the Colonel declared to be perfectly satisfactory to him.

Perhaps, notwithstanding, this *half measure* was not approved of in high places, for not long afterwards, Colonel N. once more convened his Officers, and called upon them to give up the *EXAMINER*, in the same manner as they had turned out the *COURIER*. The majority, however, said that they could not accede to this motion, that they did not care a straw about Mr. Hunt's political opinions,—but that they liked his reports of Foreign Intelligence, and of Parliamentary Debates, his Original Poetry, his Literary Notices, his Court and Fashionables, his Theatrical Register, his Newspaper Chat, Accidents and Offences, &c. &c. and that, as they were not likely to swerve from their loyalty, nor to neglect any of their *Military duties*, in consequence of reading the *EXAMINER*, they saw no reason for mixing themselves up with the political Tantrums of its Editor (a matter about which, as sworn servants of the state, they had no concern), nor why they should deprive themselves of the information and amusement which that Newspaper afforded them.

The Colonel, however, (and he was followed by some others) announced that he would have nothing to do with a Mess where such a Paper was taken in,—and he dismissed the Officers in displeasure. My Correspondent tells me that this determination of the majority has had the strongest and the very worst construction put upon it,—and that, in future, no Corps of the Army is to be allowed to read any Newspaper, much less to take it in regularly, which is not approved of by the Commanding Officer.

I remain, Sir, Your's,

Sept. 15, 1823.

UNVARNISHED.

### Annals of Philosophy.

To the Editor of the Journal.

Sir,

Upon looking accidentally at the *JOURNAL* Advertisements of this day, I observed one for the *ANNALS OF PHILOSOPHY* for 1821. I suppose the advertiser is the person who wished for information respecting Wollaston's Thermometrical Barometer. The Annals are not now in my possession, but if I should see them again I will send you the whole account, it is not very long.

February 12, 1823.

### The Bull's Death Warrant.

To the Editor of the Journal.

Sir,

It is a question worth deciding, whether some of the Proprietors of the *JOHN BULL* are not individuals forming like so many snakes in the machinery of Government; and whether they are not, therefore, *mercenarily* interested in your expulsion from this country, under an idea that such an event will lead to the utter annihilation of the *JOURNAL*? This is a point which has struck me very forcibly; for there was a rumour about your Summary Transmission, long before the alleged cause of it came into existence.

For the consolation of the Bullites, however, I can tell them that into the pit which they, in the depth of their wisdom, have digged for others, they themselves will fall. They have evidently overshot their mark; for in the absence of their much hated Rival, their own certain starvation and death are involved. At present the pages of the *BULL* teem with a high tide of scurrilous vituperations against the *JOURNALIST*; but let the latter retire from the field only for a few months, and the *JOHN BULL*, as sure as it now thrives upon base and despicable food, will die a natural death. Here then will be no lawless violence, no strong arm of power, no strangulation. These will be altogether superfluous; since the *BULL* will die for want of sustenance congenial to its own nature, ending in a want of breath.

You, Sir, have therefore every prospect of triumph over your enemies. You have every chance of returning to this country with flying colours, and of hearing that your malicious antagonist, the *JOHN BULL*, is numbered with the dead, and lies interred in the grave of oblivion and forgetfulness.

I am, Sir, your obedient Servant,

A FORETELLER OF

February 15, 1823. FUTURE EVENTS.

### Palanquin Bearers.

To the Editor of the Journal.

Sir,

There are numerous complaints against the Teeah Bearers of Calcutta, and it is to be hoped they will be attended to; for their conduct is very deserving of punishment, and at all events requires some check.

On my arrival in Town I employed 6 Bearers, and paid them daily in advance; they were not satisfied, and complained of the weight of the Palanqueen; they were then allowed 2 Bearers in addition, on condition they would attend in the morning, as I had business to transact,—they however made their appearance next day about 10 o'clock, by which I was put to great loss and inconvenience; and to avoid trouble with such vagabonds, I took to driving a Buggy;—but being in ill health and willing to go out, I sent for Bearers for half the day; but although the day was far spent and money tendered, they refused to attend, unless paid for a whole day, and ill as I now am I was obliged to drive out in the sun.

Surely, Sir, the Magistrates ought to take some steps to prevent imposition of this kind.

I am, Sir, your most obedient Servant,

XO.

P. S.—The Bearers to which I allude station themselves at the top of the Durrumtullah, i. e. the end next the Circular Road, and from the noise they make annoy the whole neighbourhood.

Monday, February 17, 1823.

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## Supreme Court.

CALCUTTA, THURSDAY, FEBRUARY 13, 1823.

### CASE OF TRESPASS—IMPORTANT TO NAUTICAL MEN.

JOZE MOREIRA *versus* POLICARPO DA COSTA AND JOAO IGNACIO MAIO.

This case, of which we shall endeavour to give as brief an account as the subject will admit, occupied the Court for three days. The Advocate General and Mr. Marnel appeared for the Plaintiff; Mr. Ferguson, Mr. Turton, and Mr. Pemberton on the part of the Defendants.

The Plaintiff consisted of four Counts: the two first were, for forcibly seizing the ship LORD WELLINGTON, from and out of the possession of the Plaintiff, and keeping and detaining the said vessel, converting and disposing of her to their own use: the two last were for forcibly breaking and entering the Plaintiff's cabin and carrying away divers goods and chattels to him appertaining.

The circumstances of the case appeared to be these.

Capt. Moreira, the Plaintiff, was by the owner Mr. Joao Gonçalves, Marques of Lisbon, appointed to the command of the ship LORD WELLINGTON, on a voyage to this port, touching at Bahia, and Rio Janeiro; two Supercargoes, Mr. Policarpo D'a Costa and Mr. Joao Ignacio Maio, (the Defendants) acting on the part of Mr. Marques the owner, and Mr. Francisco Simas, also proceeded on the ship.

The parties it appears agreed very well together until after their departure from Rio Janeiro, which they left on the 19th July; on the 12th Sept. while at sea, the Supercargoes wrote a Letter to Capt. Moreira, directing him to put into Madras for some mercantile purpose. To this letter the Captain replied, that having had a consultation with his Officers, it was their joint opinion, the season being pretty far advanced, that they ought to make the best of their way for Calcutta before the Monsoon changed against them; that their putting into Madras might prove a serious cause of detention, and he consequently advised not to touch there.

Whether this difference of opinion gave rise to the misunderstanding at present existing between the parties, does not appear certain.

Shortly after the arrival of the Ship in this port, however, on or about the 20th November, the Defendants took upon themselves to enter a protest against the plaintiff, as being unfit to command the LORD WELLINGTON, and finally gave him notice that he should no longer consider himself as Captain of that Ship. Captain Moreira, not acknowledging the power of the Supercargoes to expel him from the command of that Ship, refused to withdraw his goods and property from on board, or to give up the cabin he occupied—in consequence of which the Defendants on the 9th December, caused the Plaintiff's cabin to be broke open, his effects to be taken out of it, and finally sent out of the Ship. The Plaintiff stated that by being thus expelled from the command of the Ship LORD WELLINGTON, he was not only deprived of all emoluments arising therefrom, but was moreover deprived of the privilege granted him by the owner of loading goods to a very considerable amount on the said Ship; which together with the loss of all his effects thus forcibly sent out of the Ship, and the expences he had been at for board and lodging during his stay in Calcutta, in consequence of having been denied access to the House and Table usually furnished by Owners of Portuguese Ships, he estimated at 20,000 rupees, and he laid his damages accordingly at that sum.

These circumstances were proved by several witnesses.

The defendants in reply, grounded their reasons for dismissing Captain Moreira from the command of the ship on the following causes: On the Morning of the 4th of October, about 2 o'clock during the Captain's watch, the ship was found to be in three and a half fathoms water, and only about three times her own length from the shore, which proved to be the Island of Ra-

missaram at the head of the Gulph of Masar, the Captain at the time supposing the ship to be between eight and nine degrees farther to the eastward, and that he was running up the Bay of Bengal; again on the 18th of January the ship was in imminent danger of being lost, the Capt. instead of running for Balisore roads, having got too far to the eastward, and bring guns and burning blue lights supposing himself off the mouth of the Eastern channel when in fact the ship was close in with Chittagong; these gross mistakes and the utter aversion of the Crew towards the Plaintiff, rendered him in the opinion of Defendants entirely unfit to command the LORD WELLINGTON, and it was in consequence of these circumstances that they had dismissed him. With respect to the conduct of the Defendants in having broken open the Plaintiff's cabin, it was proved, that the mizen chain-whales requiring repairs, access to that Cabin was indispensable for that purpose; application had been made to the Captain for the key stating the causes of the request, but as it was not forthcoming, they were forced to break the door open; that considering the Plaintiff's efforts to be in an unsafe situation while standing thus exposed, they had ordered them to be taken to the Custom House, where they considered them as being perfectly safe. A host of witnesses was brought forward by the Defendants, who in point of fact proved the above circumstances, all of them declaring that if the Plaintiff retained command of the Ship, they would not remain by her.

The only thing then remaining to be proved was, whether the Defendants were authorised to expel the Plaintiff from the command of the Ship or not. A translation of the power of attorney was then read, which constituted the Defendant's Supercargoes and Agents for the Ship as well as cargo; and several other Documents such as the Letter of Marque for the ship, the Captains Instructions, &c. &c.

His Lordship in summing up the evidence said, that the Defendant's justification in the third and fourth Counts certainly held good, as it appeared that access to the Plaintiff's cabin was absolutely necessary. With respect to the first and second, he was not so well satisfied, and although they might be said to have joint possession of the Ship, yet their charges were widely different: that of the Supercargoes went as far as regarded the Cargo, and the necessary directions of the voyage; the Captain's charge, was that of the management of the ship and crew, and in so far, his possession was exclusive. If however the Defendants on their own discretion, took it upon themselves to turn the Captain out of the Ship, they must be accountable to the Owner for their actions in this respect. His Lordship would not say that after the gross mistakes committed by Captain Moreira, the Defendants were wrong in dismissing him; perhaps if placed in their situation he (His Lordship) would have done the same; but they would have differed in their mode of proceeding. The Plaintiff, an old and helpless man, complains that he is left in a country far distant from his own, and amongst people who are entire strangers to him; such a mode of proceeding was not just. If they had said,—“here are half the wages you had reason to expect for the completion of the voyage” if they had given him a sufficiency to find himself a passage back to Europe, and provided for him during his stay here in Calcutta, they would have done right. His Lordship concluded by saying, he thought the Plaintiff ought at least to have 1,500 Rupees to find him a passage home, 2000 Rupees as being half his wages, and 200 Rupees per month for his maintenance while in Calcutta up to the present day.

Verdict for the Plaintiff on the first and second Counts, for the Defendants on the third and fourth; verdict on the general issue for the Plaintiff.

### COURSE OF EXCHANGE.

BUY]	CALCUTTA.	[SELL]
1 11 $\frac{1}{2}$ a 3 $\frac{1}{2}$ On London 6 Months sight, per Sicas Rupees, ..	3 a 3 $\frac{1}{2}$	
Bombay 30 Days sight, per 100 Bombay Rupees ..	93	
*Madras ditto, 94 a 98 Rs. per 100 Madras Rupees.		*
Bills on Court of Directors drawn, at 2 6—Exchange 25 a 26 p.c.t. prem' Bank Shares—Premium 80 per cent.		

Defence of Magistrates and Bearers.

To the Editor of the Journal.

SIR,

I observe in your JOURNAL, a Letter, dated 8th February, and signed "PRO BONO PUBLICO, Tertio," respecting an old complaint of Ticca Bearers, and in this letter the writer has shewn the cloven foot, for there is strong internal evidence that PRO BONO PUBLICO, First, Second and Third, is one and the same writer. I have observed in each of these letters, a determined wish to cast reflections upon the Magistrates, and judging this to be the chief object of your Correspondent in question, he would deserve little or no notice from me—but that I think I can relate a circumstance on two illustrative of facts, relative to these poor hardworking people, not unworthy of being attended to.

I have often had occasion myself for Ticca Bearers, and when I have sent for them direct from Office, I really never found the least hesitation on the part of these people, in attending immediately. I have, however, oftentimes sent for Bearers in the middle of the day from the Shops or Godowns of dealers, where I happened to set down or walked to, and before I could ever get the Bearers to comply, they invariably came to the door or window to look at the person requiring their services, and seemed to scrutinize the individual much. This conduct on their part, I allow, (though I never was refused conveyance by them) annoyed me a little; but being a patient sort of man, I determined to come at the cause of their seeming unwillingness, when I was told by the Bearer, that they had been so frequently paid at the discretion of the persons requiring their services, and as frequently beaten if they remonstrated a moment, that they were always scrupulous who they served, except the money was paid them beforehand. I am as little known to these persons as most people in town, and I cannot but think that your Correspondent is much better known to them, or he would not, as he seems to be such an enthusiast in the working-for-nothing cause, fear his grievances being attended to by the Magistrates. For my part I know no other class of the poor natives of this country who work harder for their living than these Bearers, it is not what each individual obtains that seems so great a sum to your Correspondent; he forgets that he has four or six people to carry him for a whole day perhaps in the heat of the sun for the small sum of 4 annas each, which is often the most they get. I can assure you I never was asked more for a day's attendance by Four Bearers with a Palanquin than 1 rupee 4 annas, which is four annas for the Palanquin, and four annas each for the men. The Coolie often gets more than the Bearer, though most likely working unexposed to the sun; the Chittawallah sometimes gets a rupee a day, and seldom less than six annas, because he gets it by small sums from persons who, like your Correspondent, think nothing perhaps of four or two annas.

I might still go further to prove that the Ticca Bearer earns less than most other casts of the natives, and their unwillingness to work is to be more attributed I think to your Correspondent's unwillingness to pay a fair price, than any wish on the part of the Bearer to extort what is not right; however if the writer feels himself aggrieved, I would advise him to go to the Magistrates, and afterwards publish their award, which would do more for the public good than his anonymous attacks upon the Right Worshipful Magistrates. Your insertion of this communication will oblige.

Sir, your's sincerely,

Feb. 12, 1823.

PRO BONO PUBLICO, Bon Fide.

Stations of Vessels in the River.

CALCUTTA, FEBRUARY 14, 1823.

At Diamond Harbour.—PHOENIX, outward-bound, remains.—FACTORY, on her way to Town.—TRIUMPH AMERICANA (P.), passed down.  
New Anchorage.—H. C. Ships GENERAL HEWITT, THAMES, & MARCONIUS OF ENGLAND.—S. S. COLDESTREAM, bound for New Sugar.—H. C. E. S., COLDESTREAM.

Surgeon's Fees.

To the Editor of the Journal.

SIR,

In looking over a file of the JOURNAL, some days ago, I observed in your Paper of the 1st of April last, an article under the head of "Court of Chancery," from which it appears, that the Lord Chancellor was "perfectly surprised" at learning that Counsel were frequently not paid their Fees, "instanter," upon the delivery of their briefs.

It occurs to me, that Mr. Astley Cooper would be equally surprised, were he to learn that Surgeons, in this country, are daily called upon peremptorily to visit persons, for attending whom they have no allowance from Government; are expected to provide themselves with conveyance; to furnish medicines at their own cost, and for all this, not one out of ten is offered a fee, and not one out of five is favoured with even bare thanks. The honor of an occasional invitation to dinner seems to be considered an ample compensation to a Medical Officer for months of vexation and drudgery, accompanied by considerable expense. I believe there are few, if any, of the profession, in this country, that would accept a Fee, or even expect the offer of one from those who had not the ready command of money; but I must observe that I have frequently heard Gentlemen declare that they could not afford to pay the Doctor for attendance on their wives, offspring and domestics, and I have known those same persons, "instanter," lay out large sums of money in the purchase of horses, vehicles, furniture, &c. &c. and give sumptuous entertainments to persons to whom they lay under no sort of obligation, and indeed scarcely knew. Is such conduct just?—is it honourable?

I remain, Sir, Your most obedient Servant,  
Gudhapore, Feb. 10, 1823. DEMETRIUS DRASTIC, M. D.

Undertaker's Cards.

To the Editor of the Bengal Herald.

MY DEAR SIR,

You will infinitely oblige a poor fellow labouring under paroxysms of the blue-devil, by requesting the moments any Knights (I don't mean the Knights Templar but the Durram and Constantia Knights of that motto) that they would not send their invitation to the next world so unseasonably as Mr. P. Landeman does, for I find on examination that I am unprepared for the journey, and besides, am not over-anxious of being so soon upon visiting terms with the Bedlam family. As it is impossible to calculate the mischief these preposterous invitations may creation, I wish you would write on the subject to the fraternity of Undertakers—so they will mind what you say, being the Oracle every person consults in this country.

Yesterday I was nearly in a state of convalescence from a severe attack of Hypochondria—I was philosophising on the goods and ill's of this life, and had just come to an unsavoury conclusion and was musing the following couplet:

"What's life, if life has not a bliss to give?"

"And if unhappy who would wish to live."

when Mr. P. Landeman sent me his card *neatly* enveloped in a note, the one informing me that he had set up as an Undertaker, and the name of the other that he would be most happy to bury me,—here Doctor T. who had just been administering to me a Nepenthe in the shape of a Glass of Grog—here all his hopes of a recovery vanished—he felt my pulse with the end of his cane; after depressing the corners of his mouth, gave a very significant shake of his head and left the room muttering something about *kicking the bucket*. Though no mystagogus, I could not be mistaken in what he said, for I saw an interpretation of the mystic words in my chum's eye, from which about a pint of tears the size of new potatoes trickled down his rosy gills, which I translated into "my dear Billy it's all dicey with you." I wish Mr. P. L. before he thinks of *Exequies* would first *Exercise* us.

PHILO-HEGESIAS

	H. H.
Morning .....	7 21
Evening .....	7 6

# ASIATIC DEPARTMENT.

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## Mr. Mack's Eighth Lecture.

CARBON.—The different forms of Carbon are Diamond and Charcoal.

From the circumstance that inflammable substances refract light in a ratio greater than that of their densities, Newton inferred that the Diamond was inflammable. Diamonds have been consumed in various ways and the products similar to that from Charcoal. Mr. Tennant observed that when equal weights of Diamond and pure Charcoal were submitted to the action of red hot Nitre, the results were in both cases the same. Mr. Mack exhibited a representation of the apparatus of Messrs. Allen and Peppys, for illustrating the products of the combustion of the Diamond.

CHARCOAL is made in different ways from wood, and the quantity produced depends upon the quality of the wood. It is not changed by heat; it is a good conductor of Electricity, but a bad one of heat; it is used for purifying water, oil, &c., and for destroying the smell, colour, and taste of many substances; it is used for fuel and in the manufacture of steel, gunpowder, paint, for polishing substances, &c. It absorbs certain quantities of the Gases. It also absorbs moisture, but this quality varies according to the texture of the wood.

There are two compounds of Carbon and Oxygen: the Carbonic Oxide and the Carbonic Acid.

Carbonic Oxide may be obtained by heating in an iron retort a mixture of Chalk and Charcoal. It is fatal to animals; extinguishes flame; and burns with a pale blue lambent light when mixed with or exposed to atmospheric air.

Carbonic Oxide combined with Chlorine forms Phlogens Gas.

Carbonic Acid may be obtained by the action of dilute Sulfuric Acid on Chalk. It may be collected over water, but should be preserved in bottles with glass stoppers. A lighted candle was put into a jar containing some, to shew that it extinguishes flame: the same effect was produced when some of the Gas was poured over a candle. The smoke of the candle floated upon it.

Carbonic Acid frequently occupies the lower parts of wells and caverns, and is called by miners *chake-damp*: it is often fatal to them; people have also lost their lives by going into breweries rats and other ill ventilated places containing this Gas. Animal substances may be preserved by it. It has been recommended to kill insects and other subjects for a cabinet of natural history by immersing them in it. Carbonic Acid is also produced by the combustion of wood, oil, wax and other substances containing Carbon.

The effervescent quality of many mineral waters is owing to this Gas: the mode of making artificial mineral waters, or of impregnating water with Carbonic Acid by means of Nooth's glass apparatus was explained by Mr. Mack. Water may be made to imbibe a greater quantity by pressure. It possesses Acid properties as was shewn by its action on Litmus Paper, which it changed from blue to red. The presence of this Acid was detected by Lime-water, which it rendered milky, and Carbonate of Lime was deposited. When more of the solution of Gas was added the precipitate was re-dissolved. Lime-water was rendered turbid by breathing or blowing into it through a tube: this was occasioned by the Carbonic Acid expired from the lungs.

Carbonic Acid and Ammonia form what is commonly called Smelling Salt, or Carbonate of Ammonia.

A compound of Carbon and Chlorine was mentioned, but it is not of much consequence.

There are two compounds of Carbon and Hydrogen, viz. Carburetted Hydrogen and Sub-carburetted Hydrogen.

Carburetted Hydrogen destroys life; it is inflammable—burning with a whitish flame.

When Carburetted Hydrogen is mixed with Chlorine in the proportion of 1 and 2 by volume, the mixture on inflammation produces muriatic acid. If the two Gases be mixed in an exhausted vessel or over water Olefiant Gas is formed.

Sub-carburetted Hydrogen is formed in stagnant pools, &c. Carburetted Hydrogen when accumulated in a mine so as to be mixed in certain proportions with common air is apt to explode on the approach of a candle: it is called Fire-damp, kills the miners and does great mischief. Mr. Murray's and Dr. Davy's safety lamps were mentioned, and the latter particularly explained by a drawing.

A model of a Coal Gas Apparatus which belonged to the late Mr. Jones was exhibited, and mode of distilling the Gas explained. The coal is put into a retort placed in a furnace; the volatile products pass in a tube through a vessel filled with cold water, where the tar, &c., are condensed and fall into a vessel beneath, the Gas then passes into a vessel filled with lime-water, called a purifier, and from that into a larger vessel called a gasometer, where it is collected. At the manufactoryes in London there are contrivances under the names of Governors, Regulators, &c., by which it is ascertained what quantity of Gas is manufactured and also what quantity is supplied to the consumers.

Oil is superior to Coal for the purposes of Gas illumination. Any kind of oil will answer; the Gas requires but very little purification, and consequently the apparatus takes up but a small space, which diminishes the expense and the light produced is far superior to that from Coal Gas in brilliancy in the proportion of 3 to 1. Another great advantage is that it does not give out so much heat as Coal Gas does.

The following is a simple mode of determining the illuminative power of Coal and Oil Gas Lamps, Candies, &c. Place the two lights intended to be compared so that the rays from each may fall nearly at the same angle upon a sheet of paper placed on the wall of a room: now if a book or other object be held before them so as to form three shadows; that is, a faint shadow from each light and a dark shadow where they cross each other, and one of the lights be moved backwards and forwards till both their shadows have the same intensity; then the quantities of light emitted by each, will be as the squares of their distances respectively from the Paper.

Cyanogen is a gaseous compound of Carbon and Nitrogen; it smells like bitter almonds and burns with a purplish flame.

The Hydrocyanic or Prussic Acid is a compound of Cyanogen and Hydrogen. It has a strong pungent odour like almonds. It is a violent poison. If the tongue of an animal be touched with a rod dipped in it, death instantly ensues. If a bird be held for a moment over the mouth of a phial containing it, it dies. A flask containing Alcohol impregnated with Prussic Acid was left by accident by a professor of Chemistry (on the continent) on his table; his maid servant enticed by its agreeable flavour swallowed a small glass-full of it and dropped down dead in two minutes. Professor Scharinger of Vienna spread a small quantity of Prussic Acid on his arm and died shortly afterwards.

Boron is obtained from the metal Potassium and Boracic Acid, which last is produced from Borax. Boracic Acid is found native in some parts of the world; it reddens vegetable blues, but changes the yellow colour of Turmeric to brown. Borax is found in Tibet.

The subjects for the next two Lectures are the Metals, but as they are very numerous, they cannot all be particularly noticed, their general properties will be described and a particular account given of a few.

An additional Lecture will be given in order to include Electricity.

\* A shaded figure was intended to illustrate this, but it could not be imitated except by a Copper Plate, which could not be prepared in time.

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Vexatious Suits.

To the Editor of the Journal.

Sir,

On the 27th of last month, I received a Summons from the COURT OF COMMISSIONERS, to appear before them and answer *Nussem Nyshabund*, in a Suit brought against me for 36 Rupees, being the amount of three Hookah-Snakes. Now I had never seen nor employed this man in my life: and could not conceive the nature of the claim set up against me. On inquiring of my domestics, if they recollect any such person as *Nussem Nyshabund*, my old Khansaman informed me, that, some time in December, a man had called at my house and asked whether I lived in it; and also whether the Khansaman's name was Hengun Khan. On being interrogated as to the nature of his business, he replied, that he had made six Hookah-Snakes for Mr. E\*\*\*, for three of which he was not paid, and that two of them had been sold to me by Mr. E\*\*\*. The Khansaman told him, that his name was Hengun Khan, and that I lived in the house; but recommended *Nussem* to go to Mr. E\*\*\*, and demand payment for the Hookah-Snakes from the person who had commissioned him to make them. After the Khansaman had related this circumstance to me, I examined my Books, and found that I had bought in the year 1816-17, two Hookah-Snakes of Mr. E\*\*\*, and paid him for them 24 Rupees. Well, I said nothing more on the subject; but went to the Court on the day appointed. Mr. E\*\*\* did not appear; and *Nussem* being asked, by the Interpreter, if he knew me—Mr. E\*\*\*? He first said "Yes"; and then "No: that I was not Mr. E\*\*\*, but that I have received the Hookah-Snakes." He was then interrogated, if I had commissioned the Hookah-Snakes, and if he had delivered them to me? He replied, "No:—that he was upon his Oath, and could not tell a lie." Mr. Commissioner Robinson now asked him, what made him then obtain a Summons against me! He replied, folding his hands towards the Commissioner, "Aupsa hoogni sen," i. e. by your orders. But this may not have been correct; for the Summons bore the signature of Mr. Commissioner Brietzeke. *Nussem* got a few angry words; and I was allowed to leave the Court.

Yesterday I got another Summons from the same Court, the second in number, during a long residence here, to answer *Kianoo Dutt* in a suit brought against me for 9 Rupees. This man, I understand, was Painter to a person lately deceased; the Probate of whose Will has been granted to me: and I have notified to all his Creditors, by Public Advertisements, to make known their claims to me, that I may duly register them. What the decision of the Court may be on this case, I cannot form any idea. But my present object in addressing you, is to acquaint the Inhabitants of Calcutta with these cases, that some of your Correspondents learned in the law; may be induced to point out the remedy against those who thus disturb one's time and temper by vexatious, harassing, and annoying proceedings in the PERRY COURT; to be compelled to attend which, those who have been there, know to be truly disagreeable. I am desirous of knowing, whether the Suitors in this Court, are obliged to swear to the justness of their claims, previous to the Summons being issued? and if so, what would be the best course to adopt, to bring such perjurers to punishment? But if they are not previously obliged to swear to the justness of their claims, then what successful measure could be pursued, to ensure to such men a degree of punishment, which would deter them from prosecuting false claims? For their being compelled to pay the Costs only, in the event of not being able to substantiate their pretensions, is not enough for the loss of time and temper, and the disgust a person experiences, in being summoned to the Court in question.

February 14, 1823.

ENQUIRER.

CURRENT VALUE OF GOVERNMENT SECURITIES.

Remittable, . . . . Premium, . . . . .	23 0 4 29 8
Non-Remittable, ditto, . . . . .	0 0 4 0 0

Government Notification.

The Public are hereby informed that the New Loan will be at the rate of 6 per cent. and the Promissory Notes of the Loan of the 31st of March, 1822, will be received at Par, to the amount of nine crores of Rupees—the particulars of which will be immediately published in an Extra Gazette.

(Signed)

H. WOOD, Accountant General.

FORT WILLIAM, TERRITORIAL DEPARTMENT, FEB. 14, 1823.

Notice is hereby given, that of the Promissory Notes of this Government, bearing date the 31st March, 1822, and standing on the General Register of the Registered Debt of this Presidency, No. 1 to 2000 inclusive, will be discharged at the General Treasury on the 1st of May next, on which day the Interest thereon will cease.

Any of the Notes, however, hereby advertised for payment, may be tendered in exchange for Promissory Notes to be issued under the provisions of the separate Advertisement this day published.

Published by Order of the Honorable the Governor General in Council,

HOLT MACKENZIE, Secretary to Government.

FORT WILLIAM, TERRITORIAL DEPARTMENT, FEB. 14, 1823.

1. The public are hereby informed that, a portion of the Promissory Notes of this Government, dated the 31st March, 1822, not exceeding 9 Crore of Rupees, will be received in the manner and under the conditions hereinafter specified, in exchange for new Loan Obligations bearing an Interest of Five per Cent. per Annum, to be issued in the following form under the Signature of the Secretary to the Government of Fort William.

FORT WILLIAM,

"Promissory Note for Calcutta Sixta Rupees—

"The Governor General in Council does hereby acknowledge to have received from A. B. the Sum of Calcutta Sixta Rupees — as a Loan to the Honourable the United Company of Merchants of England trading to the East Indies, and does hereby promise for and on behalf of the said United Company, to repay the said Loan, by paying the said sum of Sixta Rupees —, to the said A. B. his Executors, or Administrators, or his or their order, on demand at the General Treasury at Fort William, after the expiration of Sixty Days Notice of payment, to be given by the Governor General in Council, in the GOVERNMENT GAZETTE; and to pay the Interest accruing on the said Sum of Sixta Rupees —, at the rate of Five per Cent. per Annum, by half yearly payments to the said A. B. his Executors, Administrators, or his or their order, on the 30th of September and the 31st of March, in each year, until the expiration of Sixty Days, after such notice of payment, as aforesaid, when the amount of Interest will be payable with the Principal, and all further Interest cease. The Interest shall be payable in Cash at the General Treasuries of Fort William, Fort St. George, or Bombay, if at Fort St. George or Bombay, at the rate of 100-5 Madras, or 100-5 Bombay Rupees over 100 Calcutta Sixta Rupees, with the option of the holder, to receive the Interest by a Draft at sight on the Sub-Treasurer at Fort William.

"Accountant Genl's Office." } (Signed) C. D. Sec. to the Govt.  
"Registered as No. —"

2. The new Promissory Notes to be issued as above, shall be dated the 31st March, 1823, from which day they shall bear Interest, payable half yearly: and the Interest payable from the date on the promissory Notes received in exchange for them shall cease.

3. Tenders of Promissory Notes dated the 31st March, 1822, in exchange for new Loan Obligations on the terms above specified, will be received by the Secretary to the Commissioners for the reduction of the Honourable Company's Debt in India, at the Accountant General's Office, at any time on or before the 30th April next, between the hour of 11 A. M. and 2 P. M.

4. Tenders transmitted by Dawk will also be received by the abovementioned Officers up to the 30th April next, and the Accountants General at Fort St. George and Bombay, will on the application of parties resident at those Presidencies, forward free of Postage or other charge, any tenders which such parties may desire to make through their instrumentality.

5. All Tenders made as above must be accompanied with the Promissory Notes tendered endorsed payable to the Commissioners for the reduction of the Debts of the Honourable Company in India, in exchange for a Promissory Note to be issued under the advertisement published in the GOVERNMENT GAZETTE of the 16th February 1823.

# Monday, February 17, 1823.

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6. The tenders received shall be regularly registered by the Secretary to the Commissioners in the following form:

**Register of Tenders received under the advertisement published in the Gazette of the**

Name of Person by whom or on whose behalf the Tender is made.	Date on which Tender was received.	Number and Amount of Promissory Notes tendered.	Number and Amount of New Loan Certificates to be issued in Exchange for Notes tendered in the event of the whole being accepted.

7. Acknowledgements for the tenders received will be granted by the Secretary to the said Commissioners on the application of the parties in the following form:

"I, A. B. hereby acknowledge that I have received from C. D. the several Promissory Notes specified below, which the said C. D. has tendered in exchange for new Loan Obligations under the condition of the advertisement published in the GOVERNMENT GAZETTE of the 14th Feb. 1823, which shall be accounted for to the said C. D. his Executors or Administrators, or his or their order in the manner stipulated by that advertisement.

Register Number of Notes.	Amount of Note.

Total Amount

"Office of Commissioners for the reduction of the Honourable Company's Debt in India." (Signed A. B. Secretary.)

8. No tenders will be received under this advertisement after the 30th April next.

9. If the amount tendered on or before that date shall not exceed 9 Crore of Rupees, the Commissioners shall accept the whole of the tenders so made, with exception to broken sums as hereinafter provided, and shall without delay cause the Promissory Notes that are to be issued in exchange for the Notes tendered to be prepared and forwarded to the parties free of expense; first requiring the surrender of any Acknowledgement which may have been granted by their Secretary on the receipt of the Notes tendered.

10. If the total amount of Notes tendered as aforesaid and received by the Officer abovementioned on or before the 30th April next shall exceed 9 Crore of Rupees, then such part of the Notes tendered shall in each case be accepted as my bear to the said sum of 9 Crore of Rupees, the same proportion as the amount of the tender may bear to the total amount of Notes tendered; and the parties tendering shall be held bound by their tender to accept new Promissory Notes to the amount issuable under this provision and to receive payment of the remainder of the Notes tendered by them in the manner hereinafter provided.

11. No Promissory Notes will be issued but in Sums of even hundreds; and in accepting therefore any tender of which the amount may not be convertible into such a Sum the Commissioners shall be understood to accept only a portion equivalent to the highest amount that may be convertible into Sums of even hundreds.

12. When the Commissioners shall accept a portion only of any tender under the provision of the two preceding clauses, they shall discharge the remainder of the Promissory Note or Notes tendered, either by a Bill on the General Treasury of Port William payable at sight, or if they shall deem it proper by a Treasury Note bearing 5 per Cent. Interest, and payable 6 or 12 Months after date. Provided however that in the case of persons resident in Europe, the Agents of such parties shall be entitled to receive payment of the amount rejected in Treasury Notes payable 18 Months after date, and bearing interest at the rate of 5 per Cent. per annum payable half yearly.

13. If in any case the Interest payable on any Promissory Note which may be tendered as aforesaid, up to the 31st March 1823, shall not have been received, the Commissioners shall pay the amount to the party making the tender by a bill on the Treasury of Port William, Port St. George or Bombay, according as they may be required. The said

Interest Bills shall be payable at sight at the rates already fixed by the Advertisement of the 1st May, 1821.

14. The Promissory Notes to be issued as aforesaid under the directions of the Commissioners for the liquidation of the Hon'ble Company's Debt in India, in exchange for the Loan Obligations tendered to and accepted by them, shall be numbered and placed in the General Register of the Registered Debt of the Bengal Presidency, and the Principal shall be payable in Cash in Bengal only.

15. The said Promissory Notes, shall be registered and numbered in the order in which the tenders may be received by the Secretary to the Commissioners, and in cases wherein the tenders may be received at the same time, the orders shall be determined by lot.

16. None of the Promissory Notes issued under the Provisions of this Advertisement, shall be advertised for payment or discharged, without the consent of the parties holding the same, before the 31st March 1823, and after that date no greater amount of the said Notes than 1/2 Crore of Rupees shall be advertised for payment in any one year.

17. The said Notes shall be advertised for payment in the inverse order in which they shall have been placed upon the General Register, that is to say, the Notes last brought to the Register, shall be first liable to be discharged. But all Notes advertised at the same time for payment, shall become payable on demand, without regard to priority at the expiration of the Notice. Government shall also be at liberty to advertise other Notes for payment, without waiting for the expiration of pending Notices, and to discharge the Notes, so subsequently advertised at the expiration of the Notice relating to them, notwithstanding the holders of Notes comprised in prior advertisements may have omitted by themselves or their Attorneys, duly authorized, to apply for payment.

18. The Notes issued under the directions of the Commissioners as aforesaid, shall not be paid off without a previous Notice of sixty days being given to the public by an advertisement to be published in the GOVERNMENT GAZETTE. Such notice shall be considered as equivalent to a tender of payment at the period appointed for the discharge of the Notes so advertised for payment, and all Interest thereon shall cease from the expiration of that period.

19. It is clearly to be understood that purchases by the Commissioners of the Sinking Fund, and transfers of the Notes of the present Loan, into any future Loan, in the manner heretofore used, shall not be considered as infringements of the stipulation in the preceding Clause, with respect to priority of payment. Provided also, that it must further be clearly understood that the Register on which the Promissory Notes of the Remittable Loan issued under the Advertisement published at Calcutta on the 18th February 1822, are registered, is and shall be deemed to be entirely distinct from the register on which the Promissory Notes issued under the directions of the abovementioned Commissioners under the terms of this Advertisement; and nothing in the conditions of the Remittable Loan shall be construed to bar the Governor General in Council from advertising for payment the Promissory Notes as issued whenever he shall see fit consistently with the stipulations contained in this Advertisement. Provided further that nothing contained in this Advertisement shall be construed to prevent the Governor General in Council from causing any Promissory Notes which may hereafter be issued in exchange for Cash Subscriptions or for Promissory Notes of the Remittable Loan to be registered on a distinct register and discharged before or after the Notes issued under this Advertisement.

20. The Interest on the Promissory Notes issued under the provisions of this Advertisement shall be payable in Cash, half yearly, on the 30th of September, and the 31st of March, from year to year, until the Principal shall be discharged, or until the Interest shall cease on the expiration of the notice of payment as expressed in the 18th clause.

21. The Proprietors of Notes who may require the Interest to be paid at Port St. George or Bombay, shall be entitled to receive payment at those Presidencies respectively in Cash, at the exchange of 106-5 Madras Rupees and 106-5 Bombay Rupees per 100 Calcutta Seica Rupees, or if the holder of a Note at those Presidencies be desirous at any time of receiving the Interest in Bengal, the Sub-Treasurer at Port St. George or Bombay respectively, will grant him a Draft on the Sub-Treasurer at Port William, payable at sight, for the said sum in Calcutta Seica Rupees, which may be due upon the Note, on account of Interest, to the period of the last half yearly instalment.

Published by Order of the Governor General in Council,  
HOLT MACKENZIE, Sec. to the Govt.

FORT WILLIAM, TERRITORIAL DEPARTMENT, FEB. 14, 1823.

The Public are hereby informed, that the holders of the Promissory Notes and Treasury Bills which may be issued under the provisions of the Advertisement this-day published, who are or may be Resident in

Europe, shall until further orders, receive payment of the Interest on those Securities at their option in Cash or in Bills on the Court of Directors, at the Exchange of 2s. Id. the Calcutta Sice Rupee, and payable 12 Months after date.

The Attorney or Agent in India claiming Bills on behalf of his Principal under this order must furnish the Accountant General at the respective Presidencies, with a written solemn declaration that he firmly believes such Principal to be actually resident in Europe at the time of making such claim on his behalf.

Published by Order of the Hon'ble the Governor General in Council  
HOLT MACKENZIE, Sec. to the Govt.

### Selections.

*Madras, February 1, 1823.*—The Ship *APOLLO*, Captain Geo. Tennent, from Calcutta the 23d ultimo, anchored in the roads yesterday morning.

*Passengers.*—Mrs. Lutter, Mrs. Mathews, Mrs. Hay, Mrs. Gibbon, Colonel Lutter; Capt. Swindell; Captain Savage; Captain Heynesford; Lieutenant Scott.—*Children.* Misses Ann Lutter, C. Mathews, Mary Mathews, Eliza Gibbon, Anna Gibbon, S. Swindell, and Jane Johnson; Masters John Mathews, James White, George White, R. Grindell; James Toon, Anthony Martindel, James Gibb, W. Gibb, and A. Gibb.

The *APOLLO* is the bearer of twenty-five Boxes of Letters received from the *PAGE* which are deposited at the Post Office and will be in course of delivery this day.

The *YORK* is progressively receiving her homeward bound Cargo, and will positively be dispatched on the 10th instant, touching at Colombo and the Cape.

*Bombay, January 29, 1823.*—We have been favoured with the following extract:

Extract of a letter from Mr. ——— to Mr. Taylor, at Bussorah, dated Bagdad 5th November 1822.

"The Pasha of Bagdad is training his troops according to the European mode under the instructions of a Mr. Raymond, and these brave Warriors are to be formed into Battalions. As they are deficient in Drummers and Fifers, several men have been sent to me for instruction, which, however, I declined, not having the permission of the Gentleman Resident at Bussorah.

A Messenger has arrived here from Aleppo, who relates, that Mr. Benjamin Barker had proceeded on to Constantinople. The European Gentlemen were residing in Gardens.

"The inclosed letter must be translated by means of Mr. W. ——— as it is of great interest to certain English Merchants trading to Constantinople and we received it here by the last Tartar."

"(Signed). ———"

### TRADUCTION D'UNE LETTRE ALLEMANDE.

Il nous sont parvenus par l' occasion du dernier Tartar de Constantinople, les nouvelles suites que vous voudriez faire entendre à Mons le Resident :

A Constantinople le Grand Seigneur a fait publier le Firman du Il-defend à l' Angleterre commence à mettre en exécution; parce que des certains navires anglais ont été trouvés dans les Portes de la Morée chargés d'armes et munitions &c, les fournissant aux Grecs. L' on veut donc conclure sur cela, que l'Angleterre veut s'emparer de cette province, et que vraiment la guerre devra être déclarée par la Porte Ottomane à l' Angleterre et même que les Russes se soient réunis avec la Porte se déclarant contre l' Angleterre. — L' opinion, que cette nouvelle cause aux Français de ce pays et partout ailleurs, est presque généralement celle; que la Russie unie avec la Porte Ottomane ne pourraient jamais endommager l' Angleterre même, et par mer; mais bien que l' Inde et l' Arménie pourraient être posé en des états critiques.

Ces Messieurs les Français ici à Bagdad démontrent vraiment une parfaite rejoissance, comme c'est d' ordinaire l' usage de cette nation adverse toujours aux Anglais et aux Allemands. — Ils cherchent aussi présent, tant ici à Bagdad, que près la Porte à Constantinople, à s'enficher dans ses bonnes grâces c'est à dire se rendre aimables et valables auprès les Turcs en incluant toutes leurs lettres dans les paquets Turcs ici comme partout ailleurs.

Il semble bien clair que Monsieur d' A ——— n'aura pas manqué à écrire beaucoup de la Résidence de Bassorah, car d' après ce que je puis juger de leur conversation Française et ce que j' ai entendu de la bouche de Madame O ——— je m' en assure bien. Entre autre Madame m' avait dit que Monsieur I ——— se rendra à Kouverte vis à vis de Bassorah.

A assitot que ces nouvelles sont arrivées ici ces Messieurs triomphant, et se déclarent neutre et nous viennent effrayer de manière comme pour nous obliger à entrer sous leur protection de marionnettes.

(Signé) ———

### Police.

To the Editor of the Bengal Hurkar.

Sir,

In looking over your paper, I observe in the short space of a month, no less than four Dacoits have been committed on the river, no farther from the seat of Government than SOOKSAOUR, all of them attended with circumstances more or less aggravating, and one of them with murder. If such circumstances had occurred in the dominions of the King of Oude, or in any Native State where the Police is notoriously bad, so gross an outrage would even there create surprise. But what shall we say at such an event taking place within 50 miles of the seat of the British Government, three times within so short a period, and in the very same spot. Surely there must be negligence in some quarter or other, when such things as these are committed with impunity. The last case yields to none of them in impudence and presumption,—twenty men in a boat came down upon that of Captain Brodie, and there can be no doubt that the spirited conduct of that gentleman alone saved him from the fate of the lamented Mr. Imlich. It is really lamentable,—I was about to say disgraceful—that such things should take place in a country legislated by Englishmen. The seat of these outrages being so near to Calcutta, they may easily be prevented, by sending a few boats to its neighbourhood for the purpose of looking out for the perpetrators of them. By this means, if they were not apprehended, they would at least be intimidated and deterred from a repetition of them. Fifty Sepoys employed in this manner, would completely effect this object, and wipe off the disgrace of insecurity upon the river. It is evident that something ought to be done;—wiser heads than mine have the management of these affairs, and it is to their interest, as well as their credit, that these outrages should speedily and effectually be put a stop to, and I have such confidence in those whose duty it is to attend to these matters, that I have no doubt they will speedily do away with so glaring an evil.

There really does seem to me, Mr. Editor, to be great necessity for a change in the mode of administering justice in the Police Department. It ought to be our pride that in the eye of the law under our administration, all men are equal, and that justice is distributed impartially. It is however, but too evident that greater facilities are afforded to the Natives than to Europeans. This in a certain degree, is as it ought to be, but this is no cause why an European should with impunity be insulted by the herd of tik'ha bearers, bazaar drivers, mangies, coolies, &c. as is too frequently the case. The Natives have been brought under our power, by our superior skill, intelligence and power—they are 5000 times more numerous than ourselves—and it is evidently our interest to endear them to us by a fair, equal and unbiased distribution of justice, but let them not enjoy greater facilities than ourselves in maintaining and preserving their rights, or in punishing real or imaginary injuries.

I am, Sir, Your's,

LUCIUS.

### Marriage.

On the 10th instant, at St. John's Cathedral, by the Reverend D. CORRIE, Mr. J. H. SANDON, of the Honorable Company's Bengal Marine Service, to Miss MARIA BRIDGET VASS, the second Daughter of the late LEWIS VASS, Esq.

### Births.

On the 9th instant, Mrs. ROBERT SMITH, of a Daughter.

At Dacca, on the 6th instant, Mrs. JAMES RADCLIFFE, of a Son.

At Buxar, on the 1st instant, the Wife of Mr. JAMES PURVIS, Apothecary, attached to the Garrison of Buxar, of a Daughter.

At Jauisah, on the 2d ultimo, the Lady of Captain R. SHAWE, of a Daughter.

At Bombay, on the 17th ultimo, Mrs. HIGGS, of a Daughter.

At Bangalore, the Lady of Captain CUNNINGHAM, of the 1st Battalion 12th, or W. L. I., of a Son.

At Trichinopoly, on the 25th ultimo, the Wife of Mr. DANIEL ISAAC, of the Medical Department, of a Daughter.

### Deaths.

At Madras, on the 29th ultimo, Lieutenant W. GRAHAM, of the 1st Battalion 14th Regiment of Native Infantry, an Officer whose conduct through life was marked by honorable principles and a zealous discharge of the duties of his profession.

At Trichinopoly, on the 26th ultimo, of the Cholera Morbus, which attacked him while under Medical treatment for acute Rheumatism, MUNDO PARK, M. D. aged 23 years, the eldest Son of the celebrated African Traveller.